

Zita L. Weinshienk

August 18, 2009; August 19, 2009; August 26, 2009; May 12, 2010

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ABA Senior Lawyers Division

Women Trailblazers in the Law

ORAL HISTORY

of

ZITA LEESON WEINSHIENK

Interviewer: Nancy Potter

Dates of Interviews:

August 18, 2009

August 19, 2009

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Interview I

N. Potter This is the interview of Judge Zita Leeson Weinshienk for the ABA Women's Trailblazers project. My name is Nancy Potter. I will be doing the interview. This is tape 1. To begin, I will be asking you questions about your early childhood and your early education. In what year were you born?

Z. Weinshienk 1933.

N. Potter Where you were born?

Z. Weinshienk I was born in St. Paul Minnesota. I was the oldest of three children.

N. Potter Tell me about your mother and your father.

Z. Weinshienk My mother was born in Ireland. She came over to this country when she was about thirteen, without a high school degree. She was a very bright woman but not formally educated. My father was raised in Canada. He was the son of a Canadian farmer, and at some point he decided he didn't like farming and apprenticed himself to an upholster. When he was a teenager, he decided to come to the United States from Canada, and he came to St. Paul Minnesota. My mother and father met in St. Paul. My mother was the bookkeeper for a furniture company and my father was an upholsterer for the company.

N. Potter Were you their first child?

Z. Weinshienk I was the oldest. I have two younger brothers.

N. Potter What was your father's education? You mentioned your mother did not have a high school degree.

Z. Weinshienk My father did not have a high school degree but was a very bright man. He read the newspapers every day. Both my parents were self educated.

N. Potter Did they have a particular interest in political events and cultural events?

Z. Weinshienk Their main concern was with family members, sisters, brothers, nieces, nephews in the family. Both, I recall, read the newspaper every day and were interested in what was happening in the world. Because neither of them had high school degree, they were very interested in my education. When I made good grades, even when I was in

third grade as I remember, they were very pleased that I was doing so well, that I was a good student.

N. Potter Did you ever have the feeling that you were treated differently by your parents in terms of education because you were the female of the siblings, or did you feel that education was stressed equally among you and your brothers?

Z. Weinshienk Well my younger brother was four and half years younger, so no I don't think I felt any differences. My little brother was very sickly when he was young....

N. Potter What is this brother's name?

Z. Weinshienk Alan Leeson. He was a sickly child, he had asthma. And he was also a pretty smart kid but he was very spoiled and difficult and my memory is that my parents went out and left me to take care of him. I recall that he would start crying and then he would cough and get asthma. So I was given responsibility in taking care of my brother, I would say, when I was ten years old.

N. Potter And then you have a second brother as well.

Z. Weinshienk Well my youngest brother is fourteen years younger than I and he was not born in Minnesota, he was born when we lived in Tucson, Arizona. And we could go into that. We left Minnesota on the doctor's orders when my little brother was about seven. Because he was sickly the doctor said that he wasn't going to live unless we got to a dry climate. So my courageous parents packed up our furniture and put it in a rental trailer and my father sold his upholstery business. At that point in time he had a little upholstery store and off we went to the West, not knowing exactly where we were going but knowing we had to get out of Minnesota and into a dry climate for my little brother.

N. Potter Approximately what year do think that might have been?

Z. Weinshienk 1945. I was ten or maybe twelve. My brother was seven, I think.

N. Potter So your family got in the car and drove West. You didn't really know where you were going?

Z. Weinshienk We knew we were going West, and we headed for the West, and I had visions of board sidewalks, cowboys and Indians, but all I knew was that my parents were determined to find a place to live where my brother would be healthy.

N. Potter That's a pretty unusual thing to drive a whole family somewhere without knowing

exactly where you are going. Did your mother, for instance, seem anxious about it, as you recall?

Z. Weinshienk As a matter of fact I recall she was, but I also recall that we got to Arizona and stopped to see the painted desert and my little brother got out of the car and went running because there was something interesting up ahead, and I remember mother saying, "don't run you'll start wheezing," and he ran and then came back to the car and he wasn't wheezing, and my mother got down on her knees and just thanked God that he wasn't wheezing. I remember that quite well.

N. Potter And that's when everyone decided that Arizona was it.

Z. Weinshienk That's when we decided we would live in Arizona so he could be healthy.

N. Potter You said they were courageous, why do you say that?

Z. Weinshienk My parents were very courageous to just take off and go west for my little brother's health. I remember that so clearly. I see it in my mind. In any case off we went and we got to Tucson, Arizona and there were no board sidewalks, no cowboys or Indians that we could see and my father, who was a very good upholsterer, got a job right away for a hotel reupholstering all of their furniture. I remember they bought a little house, not very fancy. I liked it because it was a house where my brother and I each had our own bedrooms whereas in the house in St. Paul Minnesota we shared a bedroom.

N. Potter And what was Tucson like at that time?

Z. Weinshienk I wish I could remember Tucson better. It was very dry, lots of cactus but we were all busy with school and getting my brother into school. This had to be the fall. We were probably starting school a few weeks late after most of the kids started. I was in seventh grade and my brother was in elementary school. I don't remember exactly which grade. Things at that point went quite well. I did well in school in Tucson and so did my brother.

N. Potter What was the role, if any, of religion in your family life.

Z. Weinshienk Well my parents referred to themselves as ethical Jews. They were definitely Jewish. When we lived in St. Paul we associated with a lot of relatives and there were meetings that centered around Jewish events, but they were not religious. We all

enjoyed eating bacon, and so I would say the family was not traditional or religious but rather ethical Jews. There was a stress on doing the right thing and being fair to other people and helping other people.

N. Potter Did you go to any religion classes, any religious instruction formally through a temple or anything like that?

Z. Weinshienk I wish I had, but I didn't. My mother was not that religious nor was my father and at one point they asked a neighbor who was several years older than I if she would try to teach me Hebrew, and she half-heartedly worked on the Hebrew alphabet, but I wasn't that interested, I had so many other interests at the time. I was just starting junior high school and I was trying to catch up with the other kids. So I did not go to religious school.

N. Potter Let's talk a little bit about your first school in Tucson. Do you remember the name of it?

Z. Weinshienk I think so. The name of it was Hill Junior high.

N. Potter And that's where you started in seventh grade?

Z. Weinshienk That's where I started in Tucson.

N. Potter And you said you had so many interests and activities at the time. What were some of those that you remember?

Z. Weinshienk Well, first of all, I had to catch up with my class. I was a few weeks behind. And there were a lot new people I had met and I was also interested in sports.

N. Potter What sports did you like?

Z. Weinshienk I wish I could remember. I liked softball. I wasn't a naturally athletic child but I was fairly good in most of the sports and I enjoyed them. And I was interested in making good grades because my parents were always very pleased if I made A's in school.

N. Potter Were there particular subjects that you recall in junior high and high school that you liked, and certain ones you did not like?

Z. Weinshienk I liked school, and I remember I got a prize as the outstanding algebra, ninth grade algebra student. I wish I could remember now what I knew then. I liked algebra, I liked math and science. I was very good in English. I was trying to catch up because Tucson was a little different. I was in Junior high in Tucson whereas back in St. Paul I was still in the elementary school. They didn't have junior high. So I had to work

very hard to catch up. But I liked all subjects.
N. Potter Do you have any memory of thinking that because you were a girl you should be good at certain subjects and not at other subjects?
Z. Weinshienk I remember thinking that the boys were the ones that were good at math in some instances, but fortunately I was pretty good at math and science too. That was just part of my life. I was interested in boys to a certain extent and I tried to make friends because I didn't know a whole lot of people. But I met people and enjoyed my junior high school days.
N. Potter What were holidays like in your house?
Z. Weinshienk We celebrated all holidays. We celebrated Christmas and Hanukah, we celebrated Passover and Easter, we celebrated all the Christian holidays and the Jewish holidays. But one thing that was very different in Tucson was that we didn't have a lot of family, they were all back in St. Paul, Minnesota, so we didn't have that way to visit. My mother became involved with a choir at the school. She had a nice voice. My father I think just worked hard. He had opened his own little upholstery store in Tucson and worked very hard at making a living for the family.
N. Potter You have told me in the past your mother also had a wonderful Irish brogue.
Z. Weinshienk My mother had a thick brogue which she could turn off and on. When she was speaking with someone who was Irish, she turned it on very thick.
N. Potter Backtracking a bit here. I think you told me in the past that your mother's family was originally from Russia, is that right?
Z. Weinshienk Yes. All I know about that is that at some point her father was concerned about being drafted into the Russian Army. Her mother and father met in England, but her father left Russia so that he wouldn't be drafted. He came to England and he met my late maternal grandmother in England. There was quite a bit of family in England. They stayed there a while and then they decided to move to Ireland.
N. Potter What were the economics of your family life while you were growing up in Tucson? Did you feel like money was tight, or did it really enter into your consciousness that much at all?
Z. Weinshienk We always had enough food, and good food, but money was tight because I remember that I could not buy any clothes unless they were really on sale, or unless

they were hand-me-downs from some of my relatives, or unless it was something that my mother made. She was good at sewing. She made quite a few of my clothes. We were not poor but things were a little bit tight.

N. Potter Did it seem to be quite a source of stress in your family?
 Z. Weinshienk It wasn't stressful. We had other relatives that were in the same situation that we were in. I didn't think we were any different and I met girls my age in St. Paul who were not wealthy. We didn't live in a wealthy neighborhood. I didn't really notice that we were poor or not. But we always had food. We always had things we wanted. I'm just trying to think. I earned money myself. I was doing some babysitting even at age ten.

N. Potter Bringing in some spending money?
 Z. Weinshienk For spending money.
 N. Potter Do you have memories of World War II, and if so what were your reactions at the time?
 Z. Weinshienk I wish remembered better but I remember lying in the backyard. Our backyard had a hill and I remember lying in the grass on the hill watching airplanes go by. At that time there weren't a whole lot of airplanes. They were something rather new. I knew there was a war on. We had a victory garden that my mother and father planted. I didn't know much about the Holocaust until it was all over and I read about it. I do remember the victory garden and helping my parents with that.

N. Potter Do you remember seeing newsreels, things like that, at the movies?
 Z. Weinshienk At that time we did not have a television. I did go to the movies and yes there were newsreels. I remember going to the movies about once a week or so. Now when I think of it, I would go to the movies by myself or with a girlfriend. I would not have trusted my kids to go by themselves but I did. And yes we saw the news but I didn't pay much attention to it.

N. Potter How would you describe your personality as a child and adolescent?
 Z. Weinshienk My classmates called me an egghead. I was somewhat of a loner, although I did have friends. I had to learn how to ice-skate in St. Paul. I was not very good at ice-skating but I did go ice-skating with friends. I was not really a popular child. I was sort of a

little bit on the quiet side; a bit of a loner. I do remember that I used to hide my mother's novels that she read and sometimes I would read them myself at night when she wasn't looking. Novels like "Kitty" and "Forever Amber." Things that I wasn't supposed to read.

N. Potter Did she ever find out that you were reading them?

Z. Weinshienk Oh, she probably knew.

N. Potter Did you have any particular role models growing up, besides, obviously, your parents, but any others? Particular teachers or other relatives?

Z. Weinshienk I'm trying to think because there somebody. There was a woman who was an attorney who I thought was very interesting. I don't know if she was really a role model but I was fascinated by the fact that there was a woman who was an attorney and I saw her as interesting.

N. Potter Was this in Tucson?

Z. Weinshienk This was in St. Paul.

N. Potter Would you ascribe some importance to that in terms of where you ended career-wise?

Z. Weinshienk It could be. You're reminding me though, I do remember that I was adventurous. I had a bicycle, a Schwinn bike, and I remember that I would ride it all over St. Paul and look at different areas. I would just tell my parents I wanted to go for a bike ride. I was very interested in investigating certain areas of the city without really letting my parents know.

N. Potter Independent?

Z. Weinshienk I was very independent, yes.

N. Potter Were you close to your siblings?

Z. Weinshienk My middle brother and I fought. We were not too close. He was so sick and I resented the fact that I had to babysit with him, and then I had to call my parents in the middle of babysitting because he was getting an asthma attack. As for my baby brother, I was 14 when he was born. And actually he was my baby. People often thought he was my child and not my little brother. I spent a lot of time with him and a lot of time taking care of him. I adored him and he adored me.

N. Potter How would you describe your parents' philosophies about raising children?

Z. Weinshienk My parents were very trusting. They trusted me and pretty much let me do what I

wanted to do because I was the oldest, and I was a good student, I gave them no reason to distrust me. They were pretty liberal with me as I recall.

N. Potter Did you have the feeling that it was important to your parents that you do well in school?

Z. Weinshienk It was always important to my parents that I did well in school. They encouraged me. A "B" in school was just a bad thing to happen because I was basically an "A" student. They were very proud of me and were always telling people, relatives, aunts and uncles and so forth what a smart kid Zita was. Zita Kay, they called me Zita Kay.

N. Potter Were your brothers good students?

Z. Weinshienk Actually, yes, they were. My middle brother was a good student but he gave my parents a lot of trouble and he gave the school a lot of trouble. I remember he was smoking in school and things like that in Tucson. So he was a little bit of a problem.

N. Potter And I remember also teachers saying to him, "why can't you be like your sister." Was there a sense during your high school years that you were going to go on to have a career? Did your parents talk to you about what you wanted to do with your life?

Z. Weinshienk There was a critical time when I was going into my senior year in high school when one of my teachers decided that I should be the editor of the literary magazine at school. It was called the Quarterly and none of the editors had ever been able to put out four issues. They always put out three issues or two. My job was to see if I could put out four issues of the Quarterly Magazine. I was very proud and very nervous about it because I didn't think I was that literary. But my senior year I worked very hard being made the editor of the literary magazine and we did put out four issues.

N. Potter And then was there a discussion or thoughts about your career at that point?

Z. Weinshienk Well, it was the first time that I felt that I probably was going to have a career, was going to go onto college. I never thought about it very much before. This teacher who was the advisor for the magazine led me to believe that I was very capable and that I could achieve more than I had already achieved.

N. Potter Do you remember how you felt when the teacher discussed that with you? Did that

excite you or make you nervous, do you recall?
Z. Weinshienk Well, I was very proud that she put so much trust in me. I remember her name was
Harriet Martin. It was very exciting.
N. Potter Sort of a turning point, really?
Z. Weinshienk It really was. She was my first mentor. I think it was at that point I decided I was
going to go onto college and maybe do something with my life.
N. Potter Had you discussed college with your parents up to that point at all?
Z. Weinshienk Not really because there really wasn't that much money in the family and I didn't
know if I could afford college.
N. Potter Did other kids in your high school class go onto college?
Z. Weinshienk Some did and some didn't. I remember thinking I would really like to go to Stanford
but there were no scholarships available and there was no way that I would have the
money to go to Stanford. So we just settled that I would go to the University of
Arizona and live at home.
N. Potter So did you actually apply to Stanford?
Z. Weinshienk I remember writing them and asking them about scholarships and there were none
except for athletes, and I was not an athlete. My parents lived in Tucson and Arizona
was a pretty good school. So I decided I would go to Arizona.
N. Potter Were you able to get a scholarship to Arizona?
Z. Weinshienk No.
N. Potter Okay.
Z. Weinshienk I didn't even try for one. I was in-state at Arizona so it was not expensive in those
days.
N. Potter You mentioned that you were involved in athletics and a literary magazine. Were
there other extracurricular things that you recall that were particularly important to
you at school?
Z. Weinshienk I did become involved with a Jewish organization called Bnai Brith girls, or BBG.
The neighborhood girls. I remember that was when I first appreciated the fact that I
could do activities that were Jewish. And I had a boyfriend at the time who was
Jewish and that was good.
N. Potter So there was a Jewish community in Tucson at the time?

Z. Weinshienk Oh, there was a community. There was something called BBYO, the neighborhood youth organization and I was active in that. Some of my good friends in high school were Jewish. At that point in time I stopped answering the question of "what is your church preference," which I used to answer as "red brick." I started putting down that I was Jewish. I think that's when I first recognized that I enjoyed being Jewish even though my parents were not religious.

N. Potter Any other activities or clubs or things you recall that you did in high school?

Z. Weinshienk I was so busy editing the high school literary magazine and also I was a teenage girl who liked boys. I also tried to keep my grades up because I had to make "A"s in school for my parents' sake, so I didn't have much time for anything else. Oh, let me think a minute, because I did start doing things like horseback riding and I did do a lot of hiking with my friends. So I became very interested in the outdoors also.

N. Potter And, you said you had some jobs. I have read that your first job was in a health food shop.

Z. Weinshienk Yes, that was in Tucson.

N. Potter During high school?

Z. Weinshienk Yes. I'm trying to think about that because my mother and I had a fight and I wanted to buy her a gift. So I went out and got a job in a shop as a counter-girl or a waitress so I could earn some money to get my mother a gift.

N. Potter And did you earn the gift?

Z. Weinshienk I earned the gift. I remember what it was.

N. Potter What was it?

Z. Weinshienk A knife stand for the kitchen.

N. Potter What year did you graduate from high school?

Z. Weinshienk 1951.

N. Potter 1951. Did you graduate with any particular honors or awards that you can recall?

Z. Weinshienk I remember being fifth in the high school class. There were about 500 in the class and I was five. So, yes, I did pretty well in high school.

N. Potter Did you attend the University of Arizona campus in Tucson?

Z. Weinshienk Yes, in Tucson. It was walking distance or biking distance from my house. And I should have mentioned this but I got to junior high and I got to high school by riding my bicycle. It wasn't that far so I was close. I also had a car at age 16 because my father was going to get another car and I convinced him that he should give me the

old car instead of trading it in. And our deal was that I would teach my mother how to drive. He'd tried to teach her with very little luck. He was not very patient and I was a good driver. I took driver training in high school when I was 16. I was a good driver and I said I'll teach mom if you'll let me have the car. He said that's a deal but you've got to pay for the insurance and the gas and all the expenses. That's when I started working so I could make money to drive the car.

N. Potter So your mom had gone all those years raising a family not knowing how to drive at all?

Z. Weinshienk My mother did not know how to drive until I taught her.

N. Potter So she would go to the store and everything on foot or have your father drive or....

Z. Weinshienk Take a bus.

N. Potter Take a bus.

Z. Weinshienk When I was 16 I drove and could take her. But actually she turned out to be a pretty good driver after I taught her. I remember I went to a parking lot of a big store after the store closed in the evening hours and tried to teach her how to drive, and it wasn't that easy because the car we had was not a automatic shift. It was a stick-shift car, and I had to teach her how to shift gears.

N. Potter Was Tucson a small town then?

Z. Weinshienk Yes, it was. My memory was that Tucson was a hick town. It was small. It had regular floods because it was so dry and when it rained the streets would just fill up with water. It was a town with cactus and not a change of seasons. That's something I didn't like about it. It didn't have a change of seasons and I thought it'd be nice to have a change of seasons. But I was busy. I was in BBG with the neighborhood girls, who were some of my friends. I remember that we would sometimes put on shows for nursing homes because several of my friends and I liked to dance and we would work up little dance routines and go put on little plays for the nursing homes.

N. Potter So, tell me about starting in college. Was it an intimidating experience - because I imagine there were far more male than females in your class? I'm guessing, but maybe I'm incorrect.

Z. Weinshienk I think it was about, not too many more; it was about half and half.

N. Potter Oh, was it really? Okay.

Z. Weinshienk I took political science and why I did, I'm not sure, because I was not thinking about law at that time. And, again, I enjoyed school and I did well. I made "A"s. In fact when I graduated from college I had a couple of "C"s and they were in subjects that an uncle had convinced me to take, like shorthand. And, I took typing in high school and I did okay but not great. But an uncle said take shorthand, you're going to need it for a job and I took it and made a "C" and that was very disturbing to me that I should have a "C" in college.

N. Potter Do you remember any of the shorthand?

Z. Weinshienk I remember "agreement."

N. Potter Oh.

Z. Weinshienk That's about all I remember.

N. Potter That's more than I know. Did you have a lot of friends in college?

Z. Weinshienk I still had a lot of the friends that were in high school. I maybe should mention one other thing about high school. I said I was somewhat adventurous. We would do things like go out and hike and see a water tower and then climb up the ladder of the water tower. I laugh because when I read a book called The Secrets of the Ya-Ya Sisterhood, the characters in that book had done that. But we did alot of silly things. I remember, I was the one that did the things first. Climb up the ladder to the water tower. Go places that the other people weren't happy about. I remember since I had a car that I would often drive to parties and my friends all trusted me to be the one to drive home when some of them had had a little to drink and I didn't. I guess I was sort of straight.

N. Potter Straight but a little bit of a risk taker, climbing the water towers and...

Z. Weinshienk Yes.

N. Potter A combination, maybe.

Z. Weinshienk I guess.

N. Potter Do you remember your study habits in college?

Z. Weinshienk I studied very hard, but I was lucky because I didn't need to study as hard as my friends to make good grades. I knew I was a good student. I realized that I was. But yes I studied.

N. Potter At some point you transferred to the University of Colorado at Boulder. How did

that come about?

Z. Weinshienk During my freshman year to Arizona, I had different jobs in Tucson. One of them was working for a man by the name of Charlie Miller in his curio store, which sold Indian jewelry and Indian artifacts. Charlie Miller asked me to come and work for him in Estes Park, Colorado. He had a store in Estes Park. So I thought that would be a great adventure and I went to Estes Park for the summer and worked for Charlie Miller in his Indian store there. I just had a feeling when I got to Colorado that this was where I wanted to be. I didn't want to be in Tucson; I wanted to be in Colorado. At that point in time I told my parents I would like to transfer to the University of Colorado. But again I didn't have a lot of money so I had to really work to make enough for tuition. But in any case I applied and basically they accepted me and of course even though it was summer, that was before the term started, they offered me a scholarship because my grades were good.

N. Potter Do you recall your parents' reaction when you told them you wanted to move to Colorado?

Z. Weinshienk "Zita you can do anything you want to do." That was their reaction. You want to move to Colorado, you do it. But we can't afford to give you too much money. We can give you maybe \$50 a month for tuition.

N. Potter There was no thought of, "are you sure you want to do this? Have you thought this through?" Or was it just, "go for it?"

Z. Weinshienk My parents thought that anything I wanted to do, I could do, and they encouraged me. That's when I transferred from the University of Arizona to the University of Colorado. One aspect of that was that taking care of my baby brother Michael in Tucson had been a really important time of my life because I adored him and he was my baby. Even though my mother was older she really wasn't that interested in a new baby and I was. So I spent a lot of time with my little brother. And I remember my little brother Michael later telling me that when I went off to college to the University of Colorado how he felt just abandoned because here I was his cute,

cuddly, young mother, almost mother, and suddenly, I was leaving the house and leaving him with my mother, who was older, and he felt abandoned by me. That was something that we later talked about. I was very close to Michael.

N. Potter Did you have the sense of this issue at the time, do you think?

Z. Weinshienk Not really, I just wanted to go off to Colorado. I didn't worry too much about the baby.

N. Potter And how old was he then when that came about?

Z. Weinshienk I could have been 19 and he 4 years old. It was a critical time when I left him.

N. Potter And then once your middle brother left the house then your youngest brother was sort of an only child for quite a while.

Z. Weinshienk Well, that's true. But my middle brother was a handful. He was getting into some difficulties in school and he was making good grades but he was reprimanded for smoking and things like that.

N. Potter While we're talking about your brothers, tell me about where their lives took them as adults.

Z. Weinshienk My youngest brother Michael became a screenwriter for movies and television shows. He was the one that started the television show "Happy Days." He invented "the Fonz." He also was the screenwriter for other shows on early television. Not very successful in movies. He had some I liked to watch but they weren't critically successful. The one that was successful was a movie called "War of the Roses," and that was one he did the screenplay for. My brother Alan did wonderfully. He started a label factory and did very well, made lots of money, and he was also a CPA. I guess we got some good genes from my mother and father even though they weren't high school graduates.

N. Potter And you're still in touch with both of them?

Z. Weinshienk Oh, yes, I am.

N. Potter And your youngest brother lives in California, Los Angeles, is that right?

Z. Weinshienk Yes. He's in Los Angeles. My middle brother lives in, well, he was in the San Francisco area, but several years ago he moved to Reno, Nevada. So that's where he is.

N. Potter When you see them now do they show characteristics or things that remind you of either one of your parents?

Z. Weinshienk Well, yes, that sometimes happens. But they're both independent, successful, interesting people so I don't, I don't think too much about my parents when I see them except that my parents always wanted to move to Las Vegas.

N. Potter So we'll go back to your college life. What was it like starting at CU in your sophomore year? Did you feel as if you'd found the right spot?

Z. Weinshienk I felt I'd found the place I loved and always wanted to be, and that was Colorado.

N. Potter How did you earn money?

Z. Weinshienk Oh, I worked during school. I worked, I remember I worked in a cleaners just to make money for school because I had saved a little money. My parents were sending me \$50 a month but the rest of the time I had to work. Then I had a little scholarship. But other than that I was working. I was making my own money to help me with tuition.

N. Potter And I'm sure that your work for Mr. Miller during the summer ignited your love and interest in Indian jewelry and Indian art?

Z. Weinshienk Well, that's true. That's absolutely true.

N. Potter Which has lasted your whole life, really.

Z. Weinshienk Yes.

N. Potter What was Boulder like at that time?

Z. Weinshienk My memory of Boulder was the school was about 4,000 students. It was small. I did not have money to live in a sorority. I was what was called an independent student. A lot of the young women lived in sororities?

N. Potter A lot of the girls at the time lived in sorority houses. I remember that some of the sorority houses were interested in me because my grades were good and they were looking for members who made good grades. But I really didn't have the finances to live in a sorority house. I lived in a boarding house, but that was good and that was independent. I was in the independent students' association. It was a good organization. A lot of good people.

N. Potter Did they have social functions?

Z. Weinshienk They didn't have any social functions. I'm trying to remember. There was a young man who was the president of the ISA at the time. A young black man. I think he, later on in life, became an ambassador to one of the African countries. I can't even remember his name. But he had an illustrious career.

N. Potter So, at some point at Boulder, you met your first husband, Hubert, is that right?

Z. Weinshienk Yes. I actually my present husband, Jim Schaffner, first.

N. Potter Oh, I didn't know this.

Z. Weinshienk I was in Estes Park and Jim Schaffner was a friend of mine. I had several friends and

I remember someone wanted me to meet Jim Schaffner. He was one of the few

people who was allegedly smart enough to know, and I met him.

N. Potter I did not know that you met Jim way back then.

Z. Weinshienk It was one of Jim's fraternity brothers, Hubert Weinshienk, who I actually married.

Jim went off to the art institute in Chicago and he and I corresponded for a while, and

I met Hubert Weinshienk but never dated him at CU. I didn't date him until we both

went to Harvard Law School.

N. Potter But you knew him and were friendly with him.

Z. Weinshienk I knew him, we were friends. It was Rueben Zubrow, my professor in economics at

Colorado that decided that I should go to law school. Rueben Zubrow was a

wonderful man. He's deceased now. But he and his wife had several children and I

babysat for them and I took a course from Rueben called Advanced Economic

Theory and did well. I complained to Rueben and his wife about the fact that I didn't

have any prospects for marriage, I didn't want to be a stewardess, I didn't want to be

a nurse or a teacher and what was I going to do with my life. It was Rub who

thought about it for a while and then told me that I should go to law school. I'm

trying to think. His wife's name was Anne. Rueben and Anne. They came back one

night when I was babysitting and said they had figured out where I should go to law

school and that should be Harvard. I didn't even know anything about Harvard at the

time. With Rub's urging I actually applied. This was later on because I was at CU

my sophomore and junior years. So I applied to Harvard and amazingly enough was

admitted. Harvard at the time had just changed over and started admitting women.

N. Potter Oh.

Z. Weinshienk And they had very few women applying. They also had very few Western women,

Western students, and they had very few women from small colleges. Arizona was a

small college. I mean Arizona was small and so was Colorado. So I met all three

interests at Harvard and I was, amazingly enough, admitted to Harvard Law School.
N. Potter Did you have to take any tests? Was there anything like the LSAT at the time?
Z. Weinshienk Yes, I actually took the LSAT and there was no place in Tucson, AZ to take it where
my parents lived. I spent my senior year in Arizona.
N. Potter Okay.
Z. Weinshienk I was sophomore and junior at Colorado then I went back home to finish up college.
N. Potter Okay.
Z. Weinshienk So there was no place to take the LSAT and I remember my father saying he would
drive me or go with me to Los Angeles which was fairly close and I would take the
LSAT there. And that's what we did. Dad and I drove to Los Angeles, I took the
LSAT in Los Angeles.
N. Potter Did you study for the LSAT or you just went and took it?
Z. Weinshienk I did not study; I just took it. I don't think there were courses back then. People just
took it.
N. Potter What were your parents' reactions when you told them that you thought you wanted
to go to Harvard law school?
Z. Weinshienk They thought that was pretty silly and I should stay around and go to Arizona to law
school. I remember one aunt called my mother and said that she sympathized with
her and wasn't it too bad that Zita couldn't find a husband and that she had to go to
law school.
N. Potter Okay. That's a great place to stop. This is where we're going to end our first session
on August 18, 2009.

**ORAL HISTORY
OF
ZITA LEESON WEINSHIENK
August 19, 2009**

Interview II

TAPE 2

N. Potter This is day two of the interview of Judge Zita L. Weinshienk for the ABA Women's Trailblazers project. Today is August 19, 2009 and I am Nancy Potter doing the interviewing. Tell me, Judge, how you came to have the name Zita.

Z. Weinshienk My mother told me that she had a favorite movie actress on silent pictures whose name was Zita Johann, and she liked the actress and liked the name and because her mother's name was Yetta and it was close to Yetta, and so she decided to name me after the movie actress. And interestingly enough, years later I was watching TV on some silent movies and I saw a Zita Johann in a movie. She was young and beautiful and I am named after her.

N. Potter You are named after a silent movie star, I like that. Going back to where we finished up yesterday, you were talking about the process of applying to Harvard Law school and your being admitted.

Z. Weinshienk Yes. And I was surprised that I was admitted but I was also surprised that without my even applying for one, they offered me a small scholarship.

N. Potter And then you started in the fall. This would have been the fall of

Z. Weinshienk 1955

N. Potter You graduated in 1958?

Z. Weinshienk Right.

N. Potter How did you get from Tucson to Cambridge?

Z. Weinshienk I have to remember, I think I took a bus.

N. Potter All by yourself?

Z. Weinshienk Yes, I never worried about going places by myself, I was pretty confident when I was young. I still am.

N. Potter And did you live in a dormitory, your first year there?

Z. Weinshienk Well, I looked in the paper for where I was going live. I was seeking a boarding house and there was an ad that two other women wanted a third roommate for an apartment for a house to share for law school. And I applied and was interviewed and they accepted me. Once was a teacher who is still my friend, I am still in touch

with her, her name is Amy Cohen. And the other lady was a law student who is now deceased.

N. Potter Was she a Harvard law student?

Z. Weinshienk She was a Harvard law student. I was starting my first year and she was in her second year. Her name was Edith Fine. And I liked the name. Actually, I gave it to one of my children.

N. Potter So describe starting your student years at Harvard. Were you intimidated, nervous, confident, excited?

Z. Weinshienk Now that I am thinking back, I am remembering that I finished University of Arizona in January and so I went to Boston a semester early, and got a job in a law firm there. It was just fortuitous because the person who had been running their switchboard became ill, and they asked me if I thought I could work and run it quickly because they needed someone. This was one of these switchboards where you pulled out a plug and plugged it in. It was not easy but I learned how to run it in two days, and I was hired by the law firm. I remember the name of the firm because I used to answer the phone; it was Hill & Barlow, Goodale, and Wiswall.

N. Potter And then after you answered you started moving the cords.

Z. Weinshienk And I started moving the cords. While I worked for them I became somewhat familiar with Boston and Cambridge before I started law school.

N. Potter Okay. And then in the fall you began your studies.

Z. Weinshienk I began my studies in the fall and that's when I had to look for a place to live because I was living at the YWCA in Boston before I started, so that's when Amy and Edith asked me to join them in this apartment.

N. Potter Do you recall being overwhelmed or intimidated by the fact that you were now at Harvard Law School?

Z. Weinshienk Yes. Intimidated, yes. And the only thing that probably saved me was that an old friend at Harvard University also was starting out as a first year student at the law school. He and were friends, and I ultimately married him. And that was Hubert Weinshienk.

N. Potter Did you have some social life?

Z. Weinshienk I had a little social life. I dated a few of the fellows because there weren't any

women around, so the few women that were there were somewhat popular. I dated a few of the guys including Hubert, and was able to study and have a little bit of social life. And as a peculiar individual, being a woman at Harvard, I was invited to dinner at the Dean's house along with some other women and I was invited to one of the Professor's homes, Abe Chase, who was my one of the professors at the law school in criminal procedure. And Abe and I were friends for years after that. His wife is still alive. Abe has died but his wife is a professor at one of the law schools back east and is still very active. Her name is Toni, Antonia Chase. For a while I kept in touch with her.

N. Potter How many other women were in your class?

Z. Weinshienk We started out with thirteen and we ended up and graduated with six, because some of the women went to other law schools to be with boyfriends and husbands and some of the women quit.

N. Potter Did you feel that you were treated differently because you were a woman there?

Z. Weinshienk My impression, as I think back, was that I was a very well treated by my classmates and so were the other women. The fellows that were there were very friendly and congenial. However, we were not so well treated by some of the professors, who let us know that they didn't want women at the law school.

N. Potter Do you have any particular examples?

Z. Weinshienk Well, ultimately we were welcomed, but in the beginning we were not. I remember Dan Griswold, the dean of the law school, invited all the women to his house for tea and his wonderful wife who was in a wheelchair made us feel very warm and welcome, but the dean proceeded to tell us how we were there against his better judgment because all of us were just going to go and have babies and not practice law and were taking the place of a well qualified man who would be practicing law. So that was the message given to me early on, and that made me more determined than ever to do well at law school.

N. Potter Were there any female professors?

Z. Weinshienk No. I think later on, if I remember, in my third year there was a professor who was a

N. Potter woman and I am going have to look back in my yearbook to remember her name.
Were the women there particularly close, perhaps because you thought that you

Z. Weinshienk needed to present a united front?
I think we were all pretty true friends, yes. And there were some women in the year
ahead, because the very first women at Harvard were there in the fall of '53 and this
was the fall of '55 when I started, so it was a very brand new situation for the faculty
and administration there. And a lot of the professors were so rude, complaining that
there wouldn't be enough ladies rest rooms for all of the women. That was a
concern. Another concern was that they couldn't tell their dirty jokes because there
were women in the class.

N. Potter Do you remember being treated as if you weren't smart enough?
Z. Weinshienk I remember some of the professors being really hostile, but not because I wasn't
smart enough, because some of the women were extremely smart. But, for example,
the professors who would make seating charts would put the women right up in the
front so they could be called on more than the men, and sometimes they picked on us.
We were given assignments to read the night before, and we were called on the next
day in class. And there were some cases involving wedding rings and gifts to a
fiancee, where the professor would call on the women. And I remember one
professor who was actually very mean. We were discussing a case in which
someone had been raped and jumped out of a window because she couldn't stand the
humiliation and a lawsuit resulted, and I remember the professor asking me, in front
of the class, whether I would have jumped out the window.

N. Potter How did you react to that type of treatment?
Z. Weinshienk Well, I was more and more determined that I was going to be successful in law
school. I knew I was a good student so I thought I could make it. I just was
determined that I was going to do well.

N. Potter You didn't let the treatment call your competence into question.
Z. Weinshienk It made me more determined that I was going to be a good student and I was going to
do well. I'm just trying to remember because there were some other incidents that
also got my dander up. We talked about it and decided we would show the

professors that we were good students.
 N. Potter You talked about that amongst yourselves?
 Z. Weinshienk Amongst the women students that were there.
 N. Potter Do you keep in touch still with any of the other female students in your class?
 Z. Weinshienk Not long ago I attended the 50th Reunion at Harvard and did see some of the other women who were. But as far as just keeping in touch, not really. Of course I kept in touch with Hubert.
 N. Potter Do you know what some of your classmates went on to do career-wise?
 Z. Weinshienk Yes. Especially Ruth Ginsberg who was in the class behind me. Her husband was in my class and of course she went on to be a Supreme Court Justice.
 N. Potter And Ralph Nader was in your class?
 Z. Weinshienk Yes, he was.
 N. Potter Did you feel like a pioneer at the time?
 Z. Weinshienk Yes. I think the other women did, too. We all felt like we were pioneers and had to do really well to set standards for other women.
 N. Potter Were there particular people who influenced you in law school? Teachers, other classmates?
 Z. Weinshienk Abe Chase, who was my civil procedure professor and his wife, Toni Chase, who later became the undersecretary of the Air Force, influenced me and others to the extent that we formed an AMES Competition Club. I was very busy in law school with AMES Competition.
 N. Potter What is an AMES Competition?
 Z. Weinshienk It was a competition sort of like a moot court. Rather than joining one of the other clubs already formed, several of us formed our own club, the AMES, the Chase Club, and took it all the way up to the final argument that we almost won. Except the Griswold Club won. That was okay because Abe Chase was about to get his tenure and he really was hoping that maybe the Griswold Club would win so that he would get his tenure at the law school. We did very well. I wasn't one of the ones who argued but I was one of the people on the brief.
 N. Potter Were there other people besides Abe Chase and his wife who were mentors, or who had a particular influence on you in law school?
 Z. Weinshienk Abe Chase was the primary person but there were other professors who were indeed helpful and there were a lot of students who were helpful as well. Rita Hauser was in my class. She started out in my class then she moved to another law school because her husband was in another city and she wanted to be with him. Gus Hauser was her husband. And Rita also became quite well known. I think several of the women did.

N. Potter You got married in 1956 to Hubert?
Z. Weinshienk Yes. After our first year of law school. We really studied together pretty much that first year and I remember distinctly that we used to decide whether we'd get the Sunday New York Times or study. We couldn't do both because the Times took so much of our time. So we studied hard and Hubert, my husband, did very well. He made the Board of Student Advisors which was a group of very bright law students right after the Law Review. At that time the Law Review was based on grades and not just writing to get in. But, the Board of Student Advisors was a very good group. He was actually page of the under-board and they were advisors for some of the other students. And the nice thing was that they were considered faculty so we went to many of the faculty events. I remember going to the faculty club. And one of their very famous dishes at Harvard was Horse Steak. It was really very good as I remember. We went to a lot of faculty events because Hubert was considered faculty.

N. Potter Did you get married in Cambridge?
Z. Weinshienk No. I wish we had. We decided that we should get married back in Tucson where my parents lived and Hubert's parents drove into Tucson for the wedding. It was over 100 degrees the day we got married; we were married on July 3 and it was very, very hot. But it was a nice wedding.

N. Potter Where is Hubert from?
Z. Weinshienk He was from Denver and that is how we ended up in Denver.
N. Potter Had your parents met him before you got married?
Z. Weinshienk Never. Never.
N. Potter Had never even met him.
Z. Weinshienk No, but they hit it off. My parents and his parents hit it off very well. Hubert and I took his father's car and drove to the Grand Canyon and spent our honeymoon hiking down to the bottom of the Grand Canyon and back up.

N. Potter And then you went back to?
Z. Weinshienk We went back to Denver.
N. Potter Back to Denver. Okay.
Z. Weinshienk We were married in July so we were in Denver that July and I'm trying to remember

what I did that summer. I think I went to work part-time for the Legal Aid Society in Denver.

N. Potter Were you planning at that point that the two of you would ultimately end up in Denver?

Z. Weinshienk That was the plan, we would end up in Denver.

N. Potter Then when you went back to school as a married couple, did you feel that your situation had changed because you were married and now you had some domestic duties in addition to law school duties?

Z. Weinshienk Yes, there were a lot of duties. Taking care of the house and Hubert was very good in sharing them with me. But financially things were very tight and we had to be very tight. Our finances would allow a tuna casserole and not a steak dinner. Sometimes we were invited out and that was nice. But neither of us had much money. Oh, I remember one thing that I should say. Hubert had been in the Armed Services so he had a GI bill. And because he had the GI bill by getting married he made more money, I think \$21 a month more, than he would have had he not been married. So that was one thing that helped because we got more GI bill being married. Then I told Hubert that I would quit law school and go to work and put him through. And he absolutely wouldn't hear of it. He refused. He said either we're both going to make it or neither of us. He wouldn't let me quit.

N. Potter Did you rent an apartment together in Cambridge?

Z. Weinshienk The first year I lived with the two women. The second year we rented an apartment which was very interesting. It was an attic apartment, third floor walkup and it was very warm. Very warm and one bathroom for the whole house. I remember that, too, because if someone was in the bathroom we'd have to wait. Very inconvenient. It was in the suburbs of Cambridge. But, yes, it wasn't the best place. It was just a one bedroom attic apartment.

N. Potter So you began your second year of law school and were you still involved in moot court?

Z. Weinshienk Yes, I was working very hard on the moot court. Rode my bicycle between our apartment and the school. And so did Hubert. He did not have a car. We both rode

our bicycles. I remember thinking to myself, wouldn't it be nice if Harvard were located in Colorado because the weather in Cambridge was just sleet in the winter time. Very uncomfortable. Colorado was so beautiful. I'd been there the summer before and it was just beautiful. Of course, Cambridge is beautiful, too, but the weather was just so bad.

N. Potter Not good for bike riding?

Z. Weinshienk Not good for bike riding. I had my own bike after a short time but at first I was riding to school on the handlebar of Hubert's bike.

N. Potter Oh, my goodness.

Z. Weinshienk That was a bit of a problem because at one time his front tire got caught in a hole left by the rain and I went off the front.

N. Potter Oh, goodness.

Z. Weinshienk And chipped my tooth.

N. Potter Did you have a sense, at this point, of what you wanted to go on to do?

Z. Weinshienk I had an idea at some point, maybe it was in my third year, but it might have been my second, that I wanted to go into the area of juvenile law. One of my professors, Sheldon Gluck, had written a book about delinquents and I had written a short paper for him about delinquents. In fact I worked for Professor Gluck for a while, helping him with some of his research. So, that was the area that I thought I might like to go into.

N. Potter And what about Hubert, did he have a particular direction that he was thinking about?

Z. Weinshienk I just remember business law because when we applied for a Fulbright, I went in the direction of a Fulbright paper dealing with juvenile offenders and he went in the direction of several countries getting together on business law and cooperating. We both had Fulbrights.

N. Potter Haven't gotten there yet.

Z. Weinshienk Okay.

N. Potter What are your overriding memories or perceptions of law school? Was it a happy time? A stressful time?

Z. Weinshienk It was happy because I was so much in love with my new husband and we were starting our first years of marriage. But it was also very stressful because of the work we had to do. Also, my husband got mononucleosis in his second year of law school.

And he was so worried that he was going to flunk out because he'd missed so many classes. It was stressful because for a while he was in the infirmary at the law school and I had to try to get meals to him and so forth. But in spite of missing a lot of law school he still ended up with wonderful grades the second year. I remember telling him that I would help him and even if he didn't make it, even if he flunked out of school, that I would stick with him. Instead, even with the mono he made excellent grades.

N. Potter Did the two of you graduate with any particular honors?

Z. Weinshienk Harvard does not have an order of the coif. So that wasn't in the picture. But we both made good grades. Hubert's were a little better than mine. But mine weren't

bad. I was surprised that my grades were as good as they were.

N. Potter It sounds like Hubert was supportive of your desire to have a legal career.

Z. Weinshienk He was totally supportive. He would not let me consider dropping out of law school which I really thought about doing so that I could support him and put him through.

A lot of women or some women in my class did drop out to support their husbands. Were you and Hubert active politically in law school?

N. Potter
Z. Weinshienk I think we were on top of issues. We were interested in what was happening in the world but actually Harvard Law School was so demanding that all of our spare time was spent in studying.

N. Potter Is there anything more about law school before we move on that you'd like to add?

Any particular anecdotes?

Z. Weinshienk Well, I'm sure I'll think of some later but right now my memory is that of studying, not getting the Sunday New York Times because it took too much time to read it and just being very, very dedicated and diligent about keeping up with our work.

N. Potter And you graduated in 1958?

Z. Weinshienk Yes.

N. Potter And what did you do right after you graduated? Did you take the bar exam?

Z. Weinshienk No. No.

N. Potter Okay.

Z. Weinshienk We went to Denmark on our Fulbrights. We wanted to travel. Neither of us had ever been abroad and we thought we'd apply for a Fulbright or two. And our thought was if we both apply and one of us gets a Fulbright then we would both go. Now the

Fulbrights to England were very competitive because it was the English language. And neither of us spoke French or German so we couldn't apply to those countries. The other alternative was to apply to either Denmark or Norway and learn the language between the end of law school and the beginning of the study in the foreign country. That's what we decided to do. So we both applied to Denmark with very different programs: mine had to do with juvenile procedures and Hubert as I recall had to do with cooperation of European countries and some sort of commercial programs.

N. Potter So you would have applied your final year of law school?

Z. Weinshienk We would have applied the first part of our third year.

N. Potter Okay.

Z. Weinshienk Yes. And the amazing thing was we were both awarded Fulbrights.

N. Potter And a Fulbright is for, how long?

Z. Weinshienk One year of study.

N. Potter One year. Everything paid and set up for you?

Z. Weinshienk Well, I don't know about everything but they paid some money. It was probably not

enough. If it had been two of us on one Fulbright it would have been very tight. But

we each had Fulbrights so we were at that point almost living in the lap of luxury.

N. Potter Compared to before.

Z. Weinshienk Compared to the money we had in law school.

N. Potter So you got on a plane?

Z. Weinshienk Well, we first took a train back to Denver and took the bar exam. Both of us took the

Colorado bar exam and then we immediately packed up and took a train back to the

East Coast to get on a ship to go to Denmark.

N. Potter And what was your experience taking the bar exam? Do you have any memories of

that?

Z. Weinshienk I remember it as though it happened yesterday. The bar exam was given in the State

Senate Chambers in July. It was very, very hot; there was no air conditioning at all.

And there were something like 120 or 150 students who took the bar exam. It was

just an ordeal. I think it helped me that I was from Arizona and used to the heat. I

remember some of our friends fainting because of the heat. But anyway, Hubert and

I both took the bar exam and we didn't get the results of it until we got back from

Denmark. We heard when we were in Denmark what the results were.
 N. Potter And you did very well on the bar as I recall.
 Z. Weinshienk Both Hubert and I did well. He was number 3; I was number 1 and a friend of ours
 by the name of Dan Hoffmann was number 2. They used to tell who the first, second
 and third were. I always said and Hubert agreed that I did very well because my
 handwriting was clearer. Hubert's handwriting was not as good as mine. But the
 three of us were in the top three just within a few hundredths of a point difference.
 So that was good. We did well and we had a wonderful year in Denmark. We
 learned quite a bit of Danish, were able to speak it about as well as a fifth or sixth
 grader. It was a wonderful experience. We did papers at the end of the year. Oh, we
 even bought a car with our two Fulbrights. We bought an old Volkswagen and at the
 end of the year shipped the car and a few pieces of Danish furniture back to the
 United States and came back to study.
 N. Potter And you were in Copenhagen?
 Z. Weinshienk Copenhagen.
 N. Potter Did you...
 Z. Weinshienk The Germans called it Copenhagen and because the Danes are so anti-German
 because of the war they don't like the German pronunciation so they would use the
 Danish. Actually the Danish pronunciation is Copenhagen. But they call it
 Copenhagen.
 N. Potter And so your Danish went from zero to fifth grade level very quickly?
 Z. Weinshienk Yes, I learned quite a bit of Danish.
 N. Potter I'm sure you needed the language skills to do the research?
 Z. Weinshienk There was an absolutely wonderful man in Denmark who was the Danish
 Ombudsman and he wrote me a letter and talked me into hearings and places where I
 never would have been accepted but for this man. He was very, very helpful to me. I
 think he was helpful to Hubert, too.
 N. Potter And your paper was specifically on the Danish child welfare committee system.
 Z. Weinshienk Yes. That was the name of the paper, and it involved the Danish system that was
 similar to the juvenile court here in the United States.
 N. Potter What did you do with the paper after it was written? Did it go on to be published
 anywhere?

Z. Weinshienk It was not published but it got me my first job. When I got back to Denver I sent a copy of the paper to Philip Gilliam, who was the wonderful judge of the Denver Juvenile Court. Well, first of all, I went looking for a job and couldn't find one and my experience, similar to Sandra Day O'Connor's, was that nobody really wanted a woman at that time. This was 1959.

N. Potter So you were looking jobs practicing law in private law firms, things like that?

Z. Weinshienk I was looking for a job anywhere, trying to get one. My mother-in-law was very worried that I was not going to get pregnant because I was so old. I was about 26. So she wanted me to start a family right away. And I just applied. Some of the employers asked me if I was planning on having children and when I said yes they said well we don't want to take a chance hiring someone who is going to be pregnant. I remember specifically I applied to the University of Denver Law School for a teaching position and they said, would you promise that you're not going to get pregnant while you're working here as a professor, and I said I can't promise that. So they said they didn't want to hire someone that might be pregnant when they were teaching. That was the state of things at that time. So I absolutely could not find a job. I tried trust departments of banks. Then I got a telephone call from Philip Gilliam and he wanted to have lunch with me. This is the Juvenile Court Judge. So he and I had lunch and he offered me a job. He really liked my paper and he needed somebody in his court to be a law clerk and also to help him with his campaign because, at time, the judges were running for office; it wasn't a system as we have now. But he needed someone to run his campaign and he liked how I wrote and said that if I would be his campaign manager as well as his law clerk he would hire me.

And he did.

N. Potter He hired you at lunch?

Z. Weinshienk He hired me at lunch. Yes. And I think my first salary was, I can't even remember.

N. Potter It was some outrageously low number. Something like forty dollars a week. And you were a law clerk/campaign manager?

Z. Weinshienk I actually put it on my resume as a law clerk. But I also ran his campaign and he was the top person elected for that. He had more votes than any other candidate. So I think I did a good job helping him out.

N. Potter Do you remember what you did as his campaign manager?

Z. Weinshienk We did all sorts of terrible things. I used to try to collect money for his campaign from the staff of his court. I went door to door campaigning for him. I wrote speeches for him. I went out and spoke on his behalf.

N. Potter Not the same kind of campaign laws as we have now.

Z. Weinshienk This is true, but it got him elected and he was a good judge. He really was. I had great admiration for Phil Gilliam.

N. Potter Did you work on the substance of juvenile cases with him?

Z. Weinshienk Well, I was his law clerk, his legal advisor.

N. Potter Okay.

Z. Weinshienk And sometimes I did hear cases. For example, I remember one case where a baby desperately needed a blood transfusion to live and the mother who was a member of a religious order which didn't believe in blood transfusions refused to allow a transfusion. And I remember going out to the hospital and hearing the case as a referee, because I was also a referee at the court, which is a hearing officer, and ordering that they should have a transfusion. Then I went back to Judge Gilliam and he rubber stamped my decision. So I did hear a lot of cases and made recommendations to Judge Gilliam and he approved them, so we made some pretty important decisions.

N. Potter Did you enjoy that work?

Z. Weinshienk It was very interesting, extremely interesting. It was also very good for me because it was during that job that I had two of my children.

N. Potter Did you have any flexibility, time-wise with small children and a full-time job?

Z. Weinshienk Thanks to Judge Gilliam, who I considered one of my great mentors, I did. If I had to be home in the morning I would go in later. I remember working part-time for Judge Gilliam. He was one of my great mentors. I had mentioned a person at Colorado University who I considered a great mentor. I believe in mentors. So I worked for Phil Gilliam for quite a while and at the same time he allowed me to

practice law outside of the court. So I was his law clerk and I could practice. So I did a smattering of small criminal cases and domestic relations cases.

N. Potter: On your own?

Z. Weinshienk: Just on my own as a sole practitioner.

N. Potter: Is that really the only time you've been a practicing private attorney?

Z. Weinshienk: Yes, it is. I handled some domestic relations cases, custody, child support orders and criminal cases.

N. Potter: How did you find clients?

Z. Weinshienk: I think for the most part they found me because I'd met people in the juvenile court and there were some people or some attorneys who I knew who liked me, and they didn't want to be bothered with a small criminal case.

N. Potter: Did you feel a preference at that time between private practice and advocating for a particular party versus working in a court system and being a neutral party in the process?

Z. Weinshienk: I didn't really worry about that. My husband found a job, not a great job, but he found a job in a private law firm. And we had two children at that time.

N. Potter: You had two small children. How did you juggle having your kids when you were working, even though you had some flexibility?

Z. Weinshienk: Well, my late husband, because Hubert died many years ago, was very helpful and if I couldn't be home he would be home.

N. Potter: Oh.

Z. Weinshienk: And we also hired a wonderful lady to be at our home and help take care of the children.

N. Potter: And your oldest child is Edie.

Z. Weinshienk: My oldest child is Edie, who now lives in Israel with nine children of her own.

N. Potter: And Kay who lives in California?

Z. Weinshienk: Kay, my middle daughter, is a doctor and she's in California. My youngest daughter, Darcy, lives in Oregon.

N. Potter: In a newspaper article I ran across you mentioned that the robe you wore was a helpful cover-up for your pregnancy, because it was so unusual for people to see a pregnant woman in the workplace.

Z. Weinshienk: That was when I was county judge.

N. Potter: Okay.

Z. Weinshienk: I became a county judge because there an opening for a county judge and there had never been a woman in Denver county court. Phil Gilliam said Zita, go for it.

N. Potter County court or municipal court?
Z. Weinshienk Municipal court actually changed its name and became Denver County Court. I was actually technically a municipal judge justice of the peace when I started out.

N. Potter Okay. And Judge Gilliam said give it a shot?
Z. Weinshienk He said go for it. He didn't say give it a shot. Do it. You know you can get picked. But he was a great supporter and I went for it. And I was almost picked. The first person who was picked became a clerk of this federal court way back when.

N. Potter Someone was chosen before you?
Z. Weinshienk And then I was second, let me think. In any case, I was selected as a county judge.
N. Potter And it was during that time that you made the comment that it was helpful to have a robe to cover up your pregnancy?

Z. Weinshienk Cover up my pregnancy. People didn't even know I was pregnant when I was county judge until it was announced that I had a third child.

N. Potter Did you feel when you were county judge and pregnant that this was something that you had to hide because people would just be too stunned?

Z. Weinshienk Well I don't think I really thought about it, Nancy. I just always wore a robe and it was just convenient for me to wear the robe. People didn't have to know I was pregnant. I was concerned that some people would be put-off by having a judge who was pregnant. So it just followed that I should wear my robe. I think I worked as a judge up to three days before I gave birth.

N. Potter Once you were a county court judge and then you were not working with Judge Gilliam anymore, was it more difficult to work out balancing your family and work life, and handling maternity leave?

Z. Weinshienk I really did think about maternity leave because my third child was born in December and I tried to plan her birth so that I could take my vacation time when I was pregnant plus the vacation time after I gave birth because there was no maternity leave in those days.

N. Potter No maternity leave?
Z. Weinshienk It was just vacation time. So I tried to plan it for vacation in 1964 and 1965 so that I could use both those times.

N. Potter oh.
Z. Weinshienk And I did. She was born December 26 so I used vacation for both years.
N. Potter Did you think that it was unfair that you had to use vacation time for maternity leave?

Z. Weinshienk I think it was pretty much accepted as that was the way it was and there was no maternity leave. I didn't argue about it too much. I'm trying to remember when a book came out by, oh, what was her name? Where the author questioned whether there should be maternity leave for women.

N. Potter Betty Friedan's book, The Feminine Mystique?

Z. Weinshienk The Feminine Mystique, that was the book. When I read The Feminine Mystique I suddenly thought, gee, she's absolutely right and I should have more rights as a woman than I did. Before then, before I read the book, I didn't really worry about it. I just accepted things the way they were and I tried to make things fit for me. In other words try to have two years vacation to have a baby. But after Betty Friedan it hit me. A lot of it hit me about some of the prejudices in law school, too. The fact that professors didn't want women because they were worried about women's bathrooms at the law school. Or didn't want women because they wanted to be able to tell their shady jokes and didn't want women in the class. Some of that began to make sense to me. I guess that's when I became a feminist; it wasn't really until after law school.

N. Potter Did you ever meet Betty Friedan?

Z. Weinshienk No, I never did.

N. Potter Okay. We'll finish up. Did you sense any particular attitudes by litigants toward you as a female county court judge? Did you ever get the sense that litigants, perhaps especially criminal cases, thought I'm not getting a fair shake because this is a female judge?

Z. Weinshienk To answer your questions there are two incidents. I remember sitting on the bench and I was hearing a not very important traffic case, although it was important to the people involved, and thinking to myself, what am I doing sitting here and making decisions that affect these people? And then I remembered thinking, well why shouldn't I make these decisions? I can do it better than anybody. That situation. And then I remember one old-time attorney who got very upset with me because of a

ruling that I had made and at some point shook his finger at me and said "see here young lady." I remember that distinctly because I was young and I was the judge who was making decisions.

N. Potter But for the most part people respected you?

Z. Weinshienk That's true. For the most part people did accept me and listened to my decisions.

Respected my analysis of cases. I don't know why that was, but there was a great acceptance of females sitting on the bench.

N. Potter Maybe we'll finish up today talking about one of your cases that got quite a bit of press at the time, which is the Watson case ,which was nationally televised. Can you summarize that case?

Z. Weinshienk City v. Watson was a traffic case, a not very important traffic case except the defendant was a member of what was then called the Black Panther Movement.

There was a strong antagonism between the Black Panthers and the police. So a simple case of not pulling over with a police car behind him turned the case into a somewhat dramatic one. National public television was televising in the courtroom, in the courthouse. A county court judge, Judge Burnett was his name, allowed some cases to be televised. The people at NET really were interested in this clash between the Black Panthers and police, so they gave more attention to my case. It lasted three days; it was a jury trial. Got a lot of press. I got a lot of letters. One or two proposals of marriage.

N. Potter Lots of fan mail.

Z. Weinshienk I did, I got a lot of fan mail. And it was shown at several law schools as how a case should be conducted. It was very interesting because it was at the same time as the Chicago Seven Trial and a lot of people were turned off by the Chicago Seven Trial.

N. Potter It seems that from the press and the letters it was very well received by the public and the public was encouraged to see how you conducted the trial. Do you think that that impacted those who watched in terms of how court can work well?

Z. Weinshienk Judging by the fan mail I got, it got good press and it was well received and I had many, many letters from women who decided to go to law school after watching that.

N. Potter And this was right around 1969, 70?

Z. Weinshienk The incident happened in '69. The trial was televised in '70.
N. Potter Do you remember watching it on television?
Z. Weinshienk I remember watching it with my parents. They were in California at the time. My
husband and I went for a vacation to California and to visit them and we all watched
it together on television.
N. Potter They must have been quite proud?
Z. Weinshienk I think they were.
N. Potter Do you remember their reactions to it at all?
Z. Weinshienk I guess they weren't very surprised. They expected a lot from their daughter. Yes,
they were pleased by it.
N. Potter This took place right around the time that Nixon was running for president.
Z. Weinshienk Yes, there was one incident in the trial when one of the black people who was on the
show raised his fist and said something to the effect of, now that Nixon is President
we'll show you black power.
N. Potter And do you recall what you did as the judge after that outburst?
Z. Weinshienk I just tried the case as best I could.
N. Potter Okay. We'll conclude today. Is this a good place to stop?
Z. Weinshienk Well you got us to a great point because we're out of law school and county court.
N. Potter Exactly.
Z. Weinshienk We can just finish the rest of it up next time.
N. Potter This is the end of tape number 2.

**ORAL HISTORY
OF
ZITA LEESON WEINSHIENK
August 26, 2009**

Interview III

N. Potter This is day three of the interview of Judge Zita L. Weinshienk for the ABA Women's Trailblazers project. The date August 26, 2009 and I am Nancy Potter doing the interviewing. Judge, when we finished last time we were talking about your work as a Denver District court judge, which was from 1972-1979. We had not yet talked about some of your involvement in the political or women's issues of the day. We are looking now at a newspaper article that discusses a speech that you give to the Aurora, Colorado business and professional women's club in 1972 which pertained to women's issues and the ERA in particular. Do you remember your involvement in and public discussion of women's issues around that time?

Z. Weinshienk I was asked to make lots of speeches when the Equal Rights Amendment was being considered. And I did make alot of speeches. I do remember speaking to this group. I wanted to see what the group would do if they were on a 747 airplane and were told that the pilot was a woman. The response that I got from a lot of women was that if they heard that before the plane took off, they would get off the airplane, which is terrible. It was just that women weren't used to having women being pilots on airplanes, and they should have been, because women can do anything.

N. Potter And people weren't used to women being judges.

Z. Weinshienk That is true, they weren't. But now they are.

N. Potter Now they are. And there is another interesting anecdote from this time period, about you riding in a police car.

Z. Weinshienk Oh, I remember that very well. When I was first a judge I wanted to find out all about law enforcement so one of the things I did was to ride with a police officer one evening while he was making stops. I sat in the back seat and he was in the front seat doing various things, and it came over the speaker, "officer so-and-so, we've have a

report that you have a lady in the police car.” And his immediate answer was, “no, that’s not a lady - that’s a judge!”

N. Potter That’s a funny story. We’ve discussed the Watson case, and I wanted to ask about other memorable cases that you tried during this time period. I found some articles about a wrongful birth case involving a man whose vasectomy did not work. Do you remember anything about that?

Z. Weinshienk Yeah, I remember it very vaguely. They didn’t want to call the child an unwanted child but he was still was suing because he ended with a baby when he planned with the vasectomy not getting a baby. I remember that but these were the types of cases that came up around the time of the Roe v. Wade.

N. Potter So people were thinking about issues involving birth control for sure.

Z. Weinshienk Talking about Roe v. Wade, I am trying to remember who the attorney was, do you remember Nancy?

N. Potter I don’t.

Z. Weinshienk She was very helpful to me because she was President Carter’s woman in the White House.

N. Potter The attorney for the plaintiff?

Z. Weinshienk The attorney for the plaintiff.

N. Potter I don’t remember, but we could find that out.

Z. Weinshienk I think Carter was trying to scratch her brain about who some women were that would be good for the bench because he was appointing quite a few judges.

N. Potter That’s interesting.

Z. Weinshienk Her name was Sara Whittington.

N. Potter I did not know that, and she ended up in the Carter Administration.

Z. Weinshienk One of the reasons she knew of me was because one of her good friends was a former law clerk of mine, Susan Roberts.

N. Potter Interesting. So did Sara Wittington contact you?

Z. Weinshienk Well she knew my name.

N. Potter Actually this is a good segue, because the next thing I want to get into is how it came about that you became nominated to the federal bench.

Z. Weinshienk As I mentioned, my former law clerk Susan Roberts was a friend of Sara Wittington, who worked for President Carter. I believe that that is how my name came before President Carter.

N. Potter This was in the late seventies. Did you engage in any efforts to get nominated to the federal bench or did it just kind of come upon you.

Z. Weinshienk It took a great deal of work.
N. Potter Okay.
Z. Weinshienk A couple women came to see me in my state court chambers and told me that they were going to try to put my name up for federal judge because there hadn't been any federal judge from the area close to Denver. And actually what they said was we are going to try to push for you. Another female Denver district judge was also mentioned and was being pushed as well. But she and I talked to each other and decided that if either one of us made the short list that we would help the other one. She hadn't been a judge as long as I had, but she was still very well known and well thought of.

N. Potter And so you were thought to be someone who might be a good candidate for Carter's support?

Z. Weinshienk Right, yes. This whole group of women backed me and also the other female judge.
N. Potter Were you surprised when this possibility was presented to you?
Z. Weinshienk Oh, I thought that it was pretty exciting. Yes, I was looking forward to going on the federal bench if I had a chance. There was also an opening on the Colorado Supreme Court. I remember that the chief judge of the Colorado Supreme Court who was a friend of mine said absolutely you should go on the state supreme court if you've got a chance and not worry about being a federal judge.

N. Potter And you did not listen.
Z. Weinshienk No. But there'd never been a woman on the Colorado Supreme Court, either. Now when I decided to go for the federal court and was fortunate enough to be considered there was another woman who was appointed to the Colorado Supreme Court, Jean DuBofsky. We were and are friends. I was very pleased that she got to the Supreme Court.

N. Potter Alright. Judge DuBofsky, of course.
Z. Weinshienk It was the time for women to be appointed to various things.
N. Potter And certainly during the women's' movement and the events surrounding the ERA, women were getting excited about the possibilities.

Z. Weinshienk I think so.
N. Potter Could you walk me through the nomination and confirmation process? Did you have to go out and kind of lobby for yourself, or, no?

Z. Weinshienk Not really. I was interviewed by the committee that was going to pick federal names to take to the president. The first time I was interviewed, another judge ultimately was picked. Someone on the committee who was a friend told me that I was too serious and too stiff during the interview, and I should've used a little more humor. The second time I was interviewed, because I was interviewed twice, I tried to do that. I tried to be more relaxed and use some humor. The first judge who was appointed right before me was and is a very funny man, John Kane.

N. Potter They liked his humor.

Z. Weinshienk They liked his humor.

N. Potter That's interesting.

Z. Weinshienk But I tried to be relaxed and tried to make some jokes and the committee was pleased I guess with the presentation. My name was recommended along with some other names.

N. Potter Do you remember any of the others who were on the list?

Z. Weinshienk One was Jim Carrigan, who actually also was appointed to the federal court

N. Potter And so there weren't more than three or four others?

Z. Weinshienk I think there were four others. Jim Carrigan and myself and two others.

N. Potter Okay.

Z. Weinshienk Two men.

N. Potter So you were ultimately nominated by Senators Hart and Haskel. Did you meet with them throughout the process?

Z. Weinshienk Well, Senator Haskel was on the committee.

N. Potter Okay, so you went through the interview process. Then what happened?

Z. Weinshienk And then Jim Carrigan and I were the final two.

N. Potter Okay.

Z. Weinshienk And actually we were both sworn in on the same day. Since he was older he had seniority. When two people were sworn in on the same day, the older person had seniority. So Jim Carrigan and I both were sworn in on October, I think October 9th or 1979.

N. Potter Did you know Jim Carrigan before then?

Z. Weinshienk Very well.

N. Potter What was his background?

Z. Weinshienk Well, he was an attorney and he was the head of the judicial department for a while. We were friends so we knew each other quite well.

N. Potter Do you think political factors played any part in your selection or in the process?

Z. Weinshienk I think, yes, very much. My late husband, Hubert Weinshienk, knew an attorney

with the Department of Justice and this attorney had met me, so he probably had a few nice words to say about me. There was a 13-page interview or questionnaire, I remember it being 13 pages, to make sure that I didn't have any bad connections. So there were interviews. That wasn't the only questionnaire. There were other questionnaires, there were interviews. I remember they checked who I knew. For example, I remember this, my brother who is 14 years younger than I am, lived in Los Angeles and they went out and interviewed his neighbors to see whether they had anything bad to say about him that could interfere with my being a judge. I remember the mother of one of my girlfriends from high school contacted me to say that she'd been interviewed by the FBI because I'd worked for her part-time when I was in high school. They were asking her questions about whether I was responsible and I remember she said that she'd trusted me with everything. She gave me a very good recommendation.

Z. Weinshienk So there was a lot of interviewing.

N. Potter Very thorough.

Z. Weinshienk Yes. Too thorough, I think.

N. Potter Do you think your politics in terms of party affiliation and how vocal or nonvocal

you had been on public issues came into it at all?

Z. Weinshienk I'd been a committee woman in my neighborhood and that was the highest political

office that I'd had. I had also helped push our Congresswoman, Pat Schroeder.

N. Potter Why did you want to go for the federal position as opposed to the state supreme court

position, if you remember?

Z. Weinshienk I just thought it sounded exciting and I would have rather continued being a trial

judge because I thought I was pretty good at it. Good as a trial judge rather than

going to the appellate court, the supreme court. And of course the trial court in my

eyes or the federal trial court had a great deal of prestige. So did the Colorado

Supreme Court, but somehow I just thought it would be more exciting to be a federal

trial judge.

N. Potter And then you went before the Senate Judiciary Committee.

Z. Weinshienk I did and that's where I met Senator Leahy. I even remember what he asked me, he

asked me a question about how I would deal with white collar criminals. I told him that I thought they should be treated strictly just like any other criminals. I guess he liked that.

N. Potter And the newspaper articles that I'm looking at mention that the hearing went smoothly and there weren't many obstacles to your confirmation in Washington.

Z. Weinshienk Well, it took a long time, and one of the problems was that they were considering two of us, Jim Carrigan and myself. And there was going to be a question, first of all, of which of us was going to have seniority. Jim Carrigan was a very colorful and well-known attorney. I think his confirmation perhaps had more fireworks than mine. But we went together, and we were both nominated.

N. Potter I'm looking at a newspaper article from July 1979, which says that Senator Hart noted that Colorado is one of the first states to establish merit selection for selection of judges. Then his quote is "and here you see before you two products of that system," meaning you and Judge Carrigan. Can you explain the merit system is?

Z. Weinshienk Yes. I was a municipal judge initially, and the question was how would municipal judges advance. There could either be a merit selection, which means that there were recommendations to the appointing entity, which for the county judge was the mayor. Or it could be just a political process. Now I think I mentioned before that when I went to work for Judge Gilliam I went to work as his political assistant so that I wrote a lot of the material and went out and spoke and did a lot of things to try to get him elected. He was the top person elected when he ran. The question was whether the judges should be elected for the county court, for example, or the state district court, or whether they should be appointed by a group of attorneys who would recommend certain names based on merit. That was merit selection.

N. Potter I see.

Z. Weinshienk And you know to this day there are still judges who are elected in various states.

N. Potter Yes.

Z. Weinshienk But I did get to the county court and to the district court on merit selection.

N. Potter What happened after your hearing in Washington?

Z. Weinshienk I came back to Denver and waited and waited and waited. It took a long time. Then

finally both Judge Carrigan and I were approved, and after that things started moving quickly.

N. Potter I have some pictures here. I assume this one is of your swearing in.

Z. Weinshienk Yes.

N. Potter So this was in October of 1979?

Z. Weinshienk Does it say October 9th?

N. Potter Well, no, the pictures don't have dates on them. But I am wondering about some of the people in the pictures. This must have been in your chambers.

Z. Weinshienk Yes. My late husband was still alive at that time.

N. Potter Yes.

Z. Weinshienk This my father-in-law. And my three daughters.

N. Potter And were your parents there? Is this your father?

Z. Weinshienk My mother and father were both there. I remember my father standing in the back of the courtroom, with his eyes a little moist, and saying, "not bad for the daughter of a Canadian farm boy." Because that's what he was.

N. Potter Do you recall your first few days or few weeks on the bench, what that felt like and what you did?

Z. Weinshienk What I recall, because you see, I'd already been a state judge and a judge is a judge. I remember the first couple of days I immediately was given a trial. So I tried cases almost from the very beginning, and they were not that different from state trials.

N. Potter Did you get a sense that people thought it was interesting, unusual, or notable that you were a woman sitting up there? Because you were the first woman on the federal bench in Colorado.

Z. Weinshienk Yes, I had quite a few notes of congratulations, especially from attorneys. But again, this is a little different from someone who just kind of springs up from the public, since most of the attorneys knew me because I was a state judge for so many years. I remember the chief judge at the time was not happy about putting me into a criminal courtroom because he didn't think I should be dealing with criminal cases.

N. Potter Because you were a female?

Z. Weinshienk Because I was a female. So I went into civil. I was hearing mostly civil cases rather than criminal. But after I was there for a little while then it was just a random selection, and I received criminal, civil or whatever came to me.

N. Potter So he communicated to you that you wouldn't be handling criminal cases because you were a woman?

Z. Weinshienk He told me that. I guess I finally convinced him that I could try cases, whether they be civil or criminal.

N. Potter You mentioned earlier that at times you did think of yourself as a pioneer because you were one of the first women to do so many things, and now you were the first woman on the federal bench on Colorado. Did you have a sense that you had broken an important barrier?

Z. Weinshienk I thought of that at the time of my swearing in, because in the past many federal judges had had political people make a short speech on their behalf. I wanted a woman to make the speech for me, so I asked Ariel Kelly, who was on the state court of appeals, if she would make a speech on my behalf. I wanted a woman and she was the highest woman on the state bench. So Ariel Kelly made a wonderful speech, I think I still have a copy of it. She pointed out that I was the first woman to be a county judge in Denver, and the first woman on the state court, and the first woman in various positions. So that was the point of her speech. Ariel Kelly, by the way, was a really good Republican, and I was a Democrat, and I liked very much that mixture of parties.

N. Potter How did the other federal district judges treat you initially?

Z. Weinshienk I think all the judges were very supportive, really. I can't remember one particular judge especially. But everybody was very supportive. Once the chief judge found that I could do a good job, then he was also very supportive.

N. Potter Because he may have been a little skeptical initially, it sounds like.

Z. Weinshienk Yes, he was a little skeptical. He was a good old boy.

N. Potter How was the court different then, in 1979, than it is now?

Z. Weinshienk Different people of course. I think it was a little more formal in those days. We have a wonderful chief judge right now who is a little less formal, and I really appreciate that. His name is Wiley Daniel and I've known him for a long time. He's a leader also because he's the first black judge to head the court.

N. Potter There were more men in 1979.

Z. Weinshienk A lot of men, and it was a very busy court and I really worked very hard to keep up with everything. I remember coming in early and staying late and sometimes

working over the weekends just to try to keep up with things.
N. Potter Certainly the technology was a lot different back then.
Z. Weinshienk We did not have computers. We had typewriters with carbon paper. So I have had to learn a lot about the technology.
N. Potter Do you remember any of your staff when you first started, particular memories of them?
Z. Weinshienk Yes, I do. I'd brought over some staff from the state court and that didn't quite work out so I had, I won't say a contest, but I interviewed several people to see who was going to be my secretary. It turned out that Joan Boline, who had been my docket clerk, came up head and shoulders above everybody else. Early on she became my secretary. She stayed with me 30-some years. She just recently retired.
N. Potter The two of you were a team for a long time?
Z. Weinshienk We were.
N. Potter Yes.
Z. Weinshienk You're looking at pictures and I don't know if there are any early pictures of Joan in there.
N. Potter No, not at your swearing in, but later there are pictures of her. Also in this album are news clippings concerning some of your early federal cases. The first case I want to talk about was the case involving the nuns at Rocky Flats which was in, I think, 1980.
Z. Weinshienk Let me interrupt you and go back to some of the early people. My court reporter was Paul Zuckerman, who had been my court reporter in state court. And there's a picture of Joan Boline who was my docket clerk at first.
N. Potter This was your first group of staff?
Z. Weinshienk That was.
N. Potter And Paul is still working in the court?
Z. Weinshienk Paul is still working for the court.
N. Potter Moving onto the case involving the nuns at Rocky Flats.
Z. Weinshienk Very, very difficult case. Very difficult because many of my sympathies were with the nuns who were protesting the manufacture of plutonium at the Rocky Flats Nuclear plant. They were protesting and praying on the grounds. We all, all the judges, there were I think four of us at the time, had problems because these were very sympathetic women.
N. Potter And they'd been arrested for trespassing?
Z. Weinshienk They'd been arrested for trespassing.

N. Potter Ultimately, you were required to sentence them, correct?

Z. Weinshienk I was required to sentence them, and much to my dismay had to give some them a relatively long sentence. I remember one woman who continually came on the grounds and I ended up giving her, I can't even remember, a year or two. It was very difficult to do that.

N. Potter Do you recall discussions with your law clerks and others as you worked through the case?

Z. Weinshienk My law clerks were very sympathetic, but we had to avoid trespassing on federal property, and that was a big problem. These women, they were nuns and other religious women who were trying to actually shutdown Rocky Flats. So this was a problem. I remember one thing that I did was I, some of the nuns came in and rather than set a stiff bond for them to come back, I'd ask them whether they'd show up on a certain date and when they said they would I just let them go without any bond.

N. Potter And they showed up. There was a lot of publicity at that time. Anything else you remember about that Rocky Flats case? Did the nuns make a statement at their sentencing, do you recall?

Z. Weinshienk Oh, sure.

N. Potter Yeah.

Z. Weinshienk They spoke before the sentencing and also during the trial. They were very articulate and determined to shut down Rocky Flats. And this went on for years. It wasn't just right away. It was a problem which continued for quite a while.

N. Potter Because there were appeals?

Z. Weinshienk Well, because Rocky Flats did not close down, and the protests continued until finally the government decided to close it down.

N. Potter You said at the sentencing "I have high respect for your intelligence and goals but I disagree with your methods. You cannot take the law into your own hands."

Z. Weinshienk And that's indeed what they were doing, they were taking the law into their own hands. They were trying to block people from coming on the property. That's one of the problems of being a judge. You might agree with what some of the defendants are doing, for example, trying to get rid of plutonium. But at the same time you're obligated as a judge to follow the law.

N. Potter There's another article here, this is from 1981, about your holding court in an improvised courtroom behind the walls of the maximum security prison at Cañon City, Colorado.

Z. Weinshienk Nowadays we have special methods of hearing prisoner cases in the courthouse, having video transmissions from the prisons. Back in those days we didn't have that, so the only way that I could hear the cases without bringing a group of prisoners to Denver was for me to go there, and that's what I did.

N. Potter Do you remember anything in particular about this? There was more than one case.

Z. Weinshienk I thought there was just one but there were more than one.

N. Potter No, I think there were quite a few of them.

N. Potter Do you have particular memories of trying to get everything set up down at the prison and actually being in a specially-constructed courtroom there inside the prison walls?

Z. Weinshienk I had wonderful court staff. I had wonderful law clerks and they set it all up for me. I just went down there and they were expecting me and I went in and tried the case within the prison walls. Many judges have done that.

N. Potter Another case which looks like it had quite a bit of press was a 1982 suit involving Phil Donohue, do you remember that one?

Z. Weinshienk I remember Phil Donohue. The courtroom was jammed because people wanted to see him. It was very well known.

N. Potter Do you remember anything about the facts of the case? The articles mostly talk about the fact that it ended in a mistrial.

Z. Weinshienk I don't remember much about the case other than that everybody wanted to come into court to see Phil Donohue.

N. Potter The newspaper article I'm looking at says that you sent the jury of 5 men and 1 woman home after the jury sent a note saying they were hopelessly deadlocked after 8 hours of deliberations. You then asked the jury and lawyers to meet with you in chambers to answer a few questions. Everyone declined to comment. A new trial was not immediately scheduled after the mistrial was declared.

Z. Weinshienk Well that was unusual. I usually never met with the jury after a trial.

N. Potter Have you had a lot of mistrials along the way?

Z. Weinshienk Probably not any more than other judges. Every once in a while the jury is hung and

can't decide how to go and we give them an instruction to continue, hoping that they can come to some decision.

N. Potter Here is an article about a case involving a deaf juror.

Z. Weinshienk Oh, this is a very important case. Yes.

N. Potter What do you remember about that?

Z. Weinshienk We had a jury where one woman was deaf, and I appointed someone to sign, use sign language so that she could participate fully in the trial. We sat the woman who was signing right in front of the juror so that the juror could see the witness and also see the person signing, which was difficult. It was a criminal case as I recall.

N. Potter Yes, the defendant was accused of stealing 400 color televisions. The article says that the juror, Wendy Hoffmann, was the first deaf juror in a Denver federal court case.

Z. Weinshienk She was not only the first deaf juror, but she ended up being the foreperson of the jury. Then there was a very serious issue of whether the person who was signing could go into the jury room with the 12 jurors, and I think there were lots of rules about no extra people in the jury room and I gave this woman who was signing very strict instructions that she couldn't say anything and she couldn't participate. All she could do was sign. That went up on appeal because the defendant was convicted, and that was one of the big issues on appeal; that I had wrongly allowed someone, a 13th person to go in the jury. That was, I think, one of the first cases where it was determined that it was okay for the person signing to go into the jury room with proper instructions. So that's a very important case.

N. Potter The article says that several days after the verdict was read, Hoffmann, the juror, wrote you a brief letter which said "thank you for allowing me to serve on the jury. I'd like to see more hearing impaired and handicapped people serve on juries. It's an opportunity to break down the barriers. Anyone concerned, the hearing impaired, the blind, anybody; I'm convinced of that." Very nice.

Z. Weinshienk That was very nice and that is true, and that's my feeling, too. Anyone can serve on the jury. It doesn't matter. I've never had a blind person on the jury because its

difficult. The juror has to observe the witness to judge credibility. But this was a case where a deaf person actually, not only participated, but was the forewoman in the case.

N. Potter That's a great story.

Z. Weinshienk There've been lots of cases. Sometimes it's difficult to serve as a judge if you take all these cases home with you. What I do is think of a shade, or a window, in my head, once I'm home. And when the case is over I pull down the shade, and it's over, and I don't worry about it unless I have an appeal.

N. Potter That sounds like a very healthy approach. Here's another case which you may remember.

Z. Weinshienk Oh, that's a very important case. Title 9 case.

N. Potter Yes, this was in 1993, and involved the Colorado State University women's softball team. Do you remember anything in particular about this case?

Z. Weinshienk The University had gotten rid of the women's softball team, and also the men's baseball team. Thinking if they got rid of both of them it'd be okay. But it wasn't, under Title 9. So that had a lot of press and I think was an important ruling. It went all the way up to the Supreme Court of the United States. It had some interesting side-lights afterwards because CSU said they couldn't ... I told them to start women's softball again, or ordered it, and they said they couldn't because they didn't have a coach. They'd fired the coach when they let the team go. My suggestion to them was to take the men's coach who was given some sort of a menial job afterwards when he was fired, and to make him the coach of the women's team. So they tried that and he was very successful, and the women's team had a lot of victories with their male coach.

N. Potter It probably was a case which you enjoyed, being a fan of women's sports.

Z. Weinshienk Oh, I did, because I always have been a fan of women's sports.

N. Potter Although we could talk for days about interesting cases which you had on the federal bench, I'll bring up just one more. I'm jumping around chronologically, but this case was in 1988, having to do with regulations banning the discussion of abortion in federal health clinics.

Z. Weinshienk It was a case against Planned Parenthood, as I recall. There's just no way that one can make laws against a doctor conferring with his or her patient. So that's how I ruled.

N. Potter Do you remember at the time whether that was a difficult decision? Was there much public discussion of the case?

Z. Weinshienk I think the federal attorneys were very upset about that case, because my ruling was that a doctor could talk to his or her patient. I just remember it had a lot of publicity. This was a time when abortion rights were being argued strenuously. Here's an article which says the "ruling is an outrage."

N. Potter Okay. Now, we'll shift over to personal events during these years. Your husband Hubert died 1983?

Z. Weinshienk '83, right.

N. Potter How did that affect your family life? Because your girls were then in high school.

Z. Weinshienk My youngest was a senior in high school and my two older daughters were in college.

N. Potter And so . . .

Z. Weinshienk It was a very, very difficult time for me and for my three daughters. I remember thinking that I was just so thankful that I had a demanding job because I could spend my energy and my time at work. I remember also just spending extra time down at the court just for something to do because I was so upset about my husband's death.

N. Potter He had Hodgkin's disease.

N. Potter How old was he when he died?

Z. Weinshienk He was 51 when he died.

N. Potter 51.

Z. Weinshienk I was 50; I was a very young widow. But again, I was very happy that I had the court because not only could I put all my time and energy into my job, but I could support my family.

N. Potter Jumping backward in time for a moment, we haven't talked much about how you balanced being a mother with your duties on the federal bench.

Z. Weinshienk It was very much a challenge. When I started out as a judge in state court, I remember making a statement in speeches that if men could have families and careers why couldn't women. Women could do anything that men could do. When my late

husband was so ill and finally died, there was a big problem because when he was alive he was the one who really covered meetings with the teachers, and PTA meetings, and a lot of school functions when I couldn't get away from the courthouse. So it was difficult when he died for me to be able to do everything that I had to do. But thanks to a very good housekeeper who helped me out, and to my daughters who were very understanding, we got through those difficult years.

N. Potter Then, happier thoughts. You met your current husband, Jim, a long time ago. You and Jim married in 1986.

Z. Weinshienk That's true. Jim Schaffner was a fraternity brother of my late husband's, and I had known him. I actually had known Jim before I'd ever dated Hubert. I remember that a friend of mine who was a woman attorney saw Jim on an airplane flight. They were playing who-do-you-know and she suggested to Jim that he should call me because I didn't have anyone to ski with, and it was shortly after that that he did give me a call.

N. Potter Had it been decades since you'd seen Jim?

Z. Weinshienk Oh, no. I saw him at the memorial service for my late husband because he was a friend.

N. Potter Okay.

Z. Weinshienk He'd been married twice in between. So right after he met my fiend on the plane, he called me up and said let's go skiing and we did. We went skiing and then we went out to dinner and shortly thereafter Jim suggested that I needed someone to take care of me and to shovel my driveway, and so he proposed marriage.

N. Potter What a happy ending. And he's still your husband to this day?

Z. Weinshienk Still my sweetie and my husband to this day, yes. He's a big supporter. By the way, I kept my last name, Weinshienk, because all the court records, from state court and federal court were all in the name Weinshienk and I didn't want to have to go through and change everything.

N. Potter So your legal name is still Zita Weinshienk?

Z. Weinshienk Well, one can have two legal names without a problem. My name on all the court papers is Zita Weinshienk. Drivers license, social security, all Zita Weinshienk. Socially, I'm Zita Schaffner.

N. Potter You get the best of both worlds.
Z. Weinshienk Yes.
N. Potter Now in 1998, I'm skipping around a little bit, you took senior status. What went into the decision to take senior status?
Z. Weinshienk I turned age 65.
N. Potter Hit the benchmark?
Z. Weinshienk Yes.
N. Potter What would you say are the pros and cons of senior status.
Z. Weinshienk Well you can cut down on the caseload which is really important. Not have to take as heavy a caseload, and actually by taking senior status there are some benefits with social security and other pay. I thought it worked out quite well. I also was not at all interested in being the chief judge and when I took senior status I made it very clear to my colleagues that I was not interested in being chief judge.
N. Potter And as a senior judge you have chosen to hear only civil cases.
Z. Weinshienk I chose not be in the criminal draw. And the reason I did was because of one case that just got to me emotionally. I was hearing a lot of crack cocaine cases in the criminal division, and there was a case in which the defendant was being sentenced for distributing crack cocaine, and his fiancée was delivering crack for him at his urging. Now this was a young woman who was an A and B student at one of the high schools who'd had scholarship offers for several different sports. She had a small child by this man and instead of taking a deal which was offered to her, a plea bargain, she agreed with him that she would go to trial. He went to trial. They were both convicted and I was looking at sentencing her to a minimum of 12 years, and here was this baby that was, I think, just a couple of years old and woman with a great deal of talent. I just didn't like the idea of giving her all that time. I finally figured out a way and worked with the U.S. Attorney to give her 10 years instead of 12, which was still too much time. It was after that very difficult decision that I decided that I didn't want to sentence any more young people to these very long sentences because they were delivering cocaine for a boyfriend, or doing some other things with cocaine. I remember one young man who was asked by a friend to bring

a package from Minnesota to Colorado and at the last minute he asked his friend what was in the package and this friend said, its cocaine but don't worry about it. You won't get more than 90 days. And of course that was wrong. There was a minimum sentence of five years and this was a young man who had to interrupt his college education. I remember him standing in front of me with tears running down his cheeks because he couldn't believe he was going to have to spend five years in prison. So I think it was the mandatory minimum sentences that just got to me, and I didn't want to do criminal any more.

N. Potter

What do you like to do in your free time now as a senior judge?

Z. Weinshienk

Well, I spend a great deal of time with family. My present husband now has some

health problems and I need to take care of him. I love music and I'm a big supporter

of the Colorado Music Festival. So there are always things going on.

N. Potter

And CU basketball?

Z. Weinshienk

I am a big supporter of Colorado University women's basketball. My husband and I

have season tickets and go to every home game.

N. Potter

That will conclude this interview session, on August 26, 2009.

ORAL HISTORY
OF
ZITA LEESON WEINSHIENK
May 12, 2010

Interview IV

- N. Potter This is the fourth session of our interviews. Today is Wednesday, May 12, 2010.
- Judge, we finished up last time, back in the fall, talking about your family and education, the chronology and the history of your career, the different experiences that you've had and the cases you've heard.
- Z. Weinshienk All right. Nancy, one thing I should mention is that since our last interview session, my husband has passed away. And even though that doesn't have any direct bearing on my duties as a judge, it has really affected my abilities and my concentration. And I just want to make sure that the record is clear that my memory may not be as good as it was because of my depression and because of my concern about Jim's death.
- So let's see how we do and if we have any problems.
- N. Potter Okay. Now we're going to go into a discussion of your judicial philosophy, your thoughts about the court, and your general experiences in the judiciary. We'll start off with just a general question: How do you regard the job of a district judge? If someone asked you, "what does it mean to be a district judge," what would you say?
- Z. Weinshienk All right. The simplest way to describe it, it's a job of someone who is resolving disputes among members of society, among individuals and also corporations. So the duty of a judge is to resolve disputes.

N. Potter And what is your particular approach to trying cases? What is most important when you try a case?

Z. Weinshienk In trying a case, it's important to be well-prepared and make fair rulings and rulings which can be understood by people, and to issue decisions that are perceived by people and society and the attorneys as being fair decisions.

N. Potter What is your perception of the jury system? Is it a good system? What are its flaws?

Z. Weinshienk I'm very strongly in favor of the jury system. It's a chance for citizens to be involved in the judicial system and to make decisions on facts. And I think that the jury system for the most part is very workable and does result in fair decisions.

N. Potter So your thought is, over the long career that you've had, that juries usually come up with the right decision?

Z. Weinshienk They don't always; but I would say for the most part, they do.

N. Potter Have you had bad experiences with juries, uncooperative juries or juries that created problems? Or do you find for the most part that jurors understand, cooperate, and respect the system?

Z. Weinshienk Well, of course, there are some bad problems with juries; but for the most part, they do understand; or they can write me a note and ask me to explain something that they don't understand. I have a system where I let jurors write a note and submit it to the attorneys and myself. And if I need to clarify an instruction, then I can do so with the attorneys' agreement. So for the most part, jurors do understand; and

for the most part, they can make decisions which are understandable and which make good sense for the case.

Sometimes they're not the decisions that I would have made as a judge, but that's why we have juries.

N. Potter What are your thoughts on letting attorneys speak with jurors after a trial?

Z. Weinshienk I do not let attorneys speak to a jury after a trial. When I was a state judge, I did let them talk to the jurors. And I had a couple mistrials as a result. For example, in one case, the jurors told the attorneys that they were comparing the parties to Jesus and Judas; and, you know, that's not something a jury should do.

N. Potter So there was a motion --

Z. Weinshienk So I declared a mistrial. But for the most part, I just do not allow interviews of the jury.

N. Potter Here's a broad question: How do you make your decisions? What's your process for coming up with issuing a written order or ruling from the bench? Do you have any sort of guidelines on how you consider both sides of the argument?

Z. Weinshienk Well, that is a more complex question than you think. The decision has to be in accord with the law, but it also has to be in accord with good, common sense; and it has to be probably what society would decide if there were no law on the subject. And very often you do have cases where there is no law on the subject, and so you have to make a decision; and it's what the judge thinks the people, what people as a whole would decide, what society would decide if

there were no law.

One Supreme Court justice wrote an article or several articles about the nature of judicial process, and he was asked a variation of this question, and he described it very well: if there is law on the issue, then the judge, of course, has to follow the law; and if there is no law or if it's in conflict, then you really have to decide the case as you think society as a whole would want to decide it.

N. Potter What is your feeling about being reversed by the court of appeals?

Z. Weinshienk I don't care one bit. I've been reversed many times, and that's their job. It doesn't bother me if I'm reversed.

N. Potter You don't take it personally.

Z. Weinshienk No, I don't. In fact, I've been reversed by some very good friends like, Stephanie Seymour and Deanell Tacha and others.

N. Potter You've heard so many cases, but is there one or two that stands out as your most difficult case in terms of, well, legal difficulty, difficulty of the issues, difficulty of the personalities, difficulty of the factual issues, difficulty of the emotion? I know that the case which we've involving sentencing the nuns was a very difficult case.

Z. Weinshienk Right. And that was difficult because I really agreed with the philosophy of the nuns and their position on having a factory which manufactured weapons of mass destruction.

Another type of case that comes to mind are environmental cases, where the judge has very little say so about how the case should be decided. It's decided administratively by the agency that makes the

decision, who hears the experts assigned to the case by the administration. And the judge can't change that. You have to accept the decision of the administrator, even though you disagree with it. So that's a problem, and that has always been a problem for me with environmental cases.

N. Potter And what about criminal cases? Are there any particular criminal cases that stand out? I remember last fall we spoke about one of the last criminal cases that you had which required you to sentence a very young person for a not too extraordinary drug charge, and that that had been difficult for you.

Z. Weinshienk Well, that's always a difficulty, because if the administration imposes very strict penalties and you have to -- and the judge has to give a very serious sentence under the present state of the law and you feel that it is too severe, then that's a difficult case. But you have to follow the law.

N. Potter Shifting gears a little bit, describe your approach to writing. What do you think is good writing?

Z. Weinshienk I have had some outstanding law clerks, who have been instrumental in helping me write good decisions. I would say that I think every decision should be carefully looked at by the judge. Every word doesn't have to be written by the judge, but the case must be something that the judge agrees with. And I don't sign anything unless I read the opinion and understand it and feel that it is a correct decision.

Now, on writing, opinions should be short, understandable, not only by

the attorneys but by the parties and by the public who read it. And if possible, there should be some lasting importance or impact of the decision. It shouldn't just be frivolous.

So short words, short sentences, expressing ideas which have important impact which are understandable. And I think in a nutshell, that is my philosophy.

N. Potter Several years ago you changed your practice by moving all of your case citations within your written decisions into footnotes. That's not something that every judge does. And that seems to go along with the idea that the decision should be understandable, especially to the parties.

Z. Weinshienk It's easier to understand the decision if it's just readable and you don't have to stop every sentence or so to look at a citation. So I like that system, and I think it helps to make the writing simpler and more understandable.

I can't remember name of the writer who suggested this format, but I was convinced when I heard a speaker describing it, and that's when I adopted it.

N. Potter Which of your decisions do you believe may have had a lasting impact over the years or will have had a lasting impact? Are there any that spring to mind?

Z. Weinshienk Well, I would hope that some of the environmental decisions will, and also the human rights decisions concerning hiring and promotion procedures for minorities. I think, unfortunately, that this is something

that changes from administration to administration, but I make no bones about it: I believe in nondiscrimination policies and human rights decisions. And this is something that I try to follow in my writings, and I hope my law clerks do. I think they do.

N. Potter What would you say makes for a good trial? When is a trial going well? What are the components that come together to make a trial that, when it's concluded, you say, "now, that trial went well; that worked well"?

Z. Weinshienk If the attorneys are well-prepared when they begin, if they're well-informed about the issues, and when they're cooperative with each other. They don't have to always agree, but they have to be cooperative and not just argue about non-important issues.

Also, I think the attorneys have to think about when a case should be resolved or compromised. Sometimes that doesn't happen until they're halfway through the case and it appears that a compromise is needed or settlement is needed.

What litigants don't understand is that even though there are two sides, the issues are not really always black and white. There are many issues that are mixed issues, and it's necessary, to achieve justice, for there to be compromise. And so in resolving cases either by trial or by settlement, there has to be thought to whether a compromise would achieve a better result than just trying the case and having plaintiff win or defendant win.

N. Potter Have there been occasions when, midway through the trial, the parties realize they're better off resolving the dispute on their own?

Z. Weinshienk That happens very often. Yes.

N. Potter Have you been involved at all in court administration, in work on various committees in the courthouse, or have you stuck mostly to working from the bench?

Z. Weinshienk Well, I've been involved with court administration, and have taught some seminars.

N. Potter I know that a few years ago, you served as the equal opportunity facilitator for court employees who had questions issues concerning fair treatment in the workplace.

Z. Weinshienk Right. And there have been cases where employees have felt that they were treated unjustly or improperly and the judge or facilitator has to try to decide how the dispute can be resolved.

N. Potter Sort of in an informal process.

Z. Weinshienk Informal or formal, yes.

N. Potter Okay. Let's discuss some of the people that you've worked with over the years.

 Who are some of the outstanding attorneys that you have known that come to mind?

Z. Weinshienk You know, I don't really think it would be fair for me to mention names; but there have been some very outstanding attorneys. And I would just say that in the criminal area, some of the prosecutors have been -- have done a very good job in presenting the cases not just from the prosecutor's point of view but also from, one could almost say, a defense point of view.

The same thing holds for both civil and criminal. The attorney must be well-prepared, must be willing to present the case so that a fair result is reached. And that applies in both criminal and civil.

N. Potter What judges have you particularly admired either in this court or in other courts?

Z. Weinshienk Well, there have been some outstanding Supreme Court justices, both those considered conservative and those considered more liberal, I suppose.

N. Potter What about when you first started working in district court here? Were there particular judges that you admired when you first started that you wanted to emulate?

Z. Weinshienk Well, there were many judges that I thought were outstanding, judges like Thurgood Marshall and more recently Sandra Day O'Connor or Ruth Ginsberg. But judges -- the same qualities that apply in the -- on the trial bench: judges that are certainly well-prepared and that are willing to decide cases so that the complex issues make sense to the public, make sense to the litigators.

N. Potter What about judicial demeanor? What are the qualities you admire in a judge's demeanor and that he or she treats litigants and treats lawyers?

Z. Weinshienk Well, patience is important. The judge must be very patient and be well-prepared and treat everybody with respect. I think it's important that the public and the litigators and the parties be treated with the utmost respect.

So when attorneys are prepared, when they're well-informed, when

they're cooperative with each other, that's all important. And sometimes settlements do have to be encouraged, I think even on the Supreme Court level, because again, things are not always black and white; sometimes they're gray.

And again, I like short opinions, easily understood opinions that the public can understand. Opinions should be written not just for the attorneys or for other judges, but they should also be written for the public at large in simple words, simple ideas, and written so that not only are they understandable but so that they have practical impact.

N. Potter You've had quite a number of law clerks over the years --

Z. Weinshienk I'll say.

N. Potter Who have all gone on to do interesting things. And I know that you're in touch with a great number of them. What are some of the interesting careers that some of them have followed that you know of?

Z. Weinshienk Oh, I am very proud of my law clerks; in fact, most, if not all, of them. But several of my law clerks have become judges. Some have become judges on the lower courts as well as on the U.S. District Court or higher courts.

N. Potter Judge Philip Brimmer is a former law clerk of yours.

Z. Weinshienk Judge Brimmer, on our bench, was a former law clerk. And some law clerks have become important people in the administration.

N. Potter The Obama Administration?

Z. Weinshienk In the Obama Administration and other administrations. So, yes, I've had some wonderful law clerks.

One of my law clerks is a judge who hears asylum cases, and that's probably one of the most difficult areas, what people should stay in the United States and what people should be sent back to the countries that they came from. And that's very difficult. Not only difficult but ultra-important.

N. Potter You have often been referred to as having been a mentor to countless attorneys, especially female attorneys. What are your feelings about mentorship, for instance, why do you mentor and how do you go about mentoring someone?

Z. Weinshienk Well, I've had several mentors. And if I had not had some outstanding mentors I probably wouldn't have been a judge. For example, when I was in high school, I had an English teacher who had the idea that I had capabilities and made me the editor of the high school literary magazine, which I never thought I would be able to do and which I found I could do quite well. And I think someone like this who got me started in being self-assured about my own abilities was extremely important in my later decisions.

Also one of the greatest mentors in my life was the late -- one of my late professors at the University in economics, Rueben Zebrow. And he was the one who just convinced me I should go to law school, and not only that I should go to law school, but he picked out Harvard Law School for me.

So mentors are important for giving self-confidence to people they mentor and to help them make decisions that are good decisions, like

should they go to law school and which law school and what should they do with their lives. These are important people.

N. Potter And is that something you enjoy doing?

Z. Weinshienk Well, I try. I don't know if I'm always successful. But I think it's important to try to mentor people. And sometimes women are not self-confident and don't think they can move ahead and they need a little mentoring. So I'm especially interested in being a mentor to women, those who want to be attorneys, those who want to be judges.

N. Potter How have the demands on this court, the U.S. District Court for the District of Colorado, changed since you were appointed? How has this court changed?

Z. Weinshienk Well, let me go back even before the U.S. District Court. When I was a state district judge, we didn't have computers and we didn't have all the fancy mechanical help that we do now. Minutes and decisions were written in large books by hand by the clerk or the person helping the judge.

There was really not the -- the mechanical assistance that there is now; and as a result, maybe the writings of the judges wasn't very -- the writings were not very clear.

N. Potter So do you think technology is an improvement? There are those who might say it's not an improvement; that it was better the old way.

Z. Weinshienk No, I think technology is a tremendous improvement in how decisions are made and how administration in the court has improved.

N. Potter What is your opinion of juries' understanding of cases -- this is a little

off topic, but I'll bring it up anyway -- especially in complex cases, complex instructions? Do you think that juries for the most part understand what's going on in a complex case, or has your sense been that it's -- lawyers don't always do such a great job of explaining a complex case, such as perhaps a patent case, which involves a lot of complex factual material for the jury?

Z. Weinshienk Well, often a jury doesn't fully understand, which means that the instructions to the jury must be stated in a way that they're understandable. And the judge should always make sure that the jury will follow the instructions, because sometimes a jury will want to go off and do their own thing and not follow. So we emphasize the fact that they should follow the instructions.

And we also need to have the jury contact the Court and, indeed, the attorneys, if they don't understand. In my practice, if a jury does not understand something, they should put it in writing and send a note to the judge and the judge will discuss the note with the attorneys and try to answer the question that the jury has.

So, yes, the judge's role is to make sure that the jury does understand what's going on or what has gone on in the trial and what their job is as a juror.

N. Potter What is your opinion of the importance of judges' involvement in informal legal activities and affiliations such the bar association? I know you've been involved in the Colorado Women's Bar Association. Is that something you think is important for all judges to do; and if so,

why?

Z. Weinshienk Yes. I think it's very important for judges to be part of society and to be involved in the bar association, to be involved in educational pursuits, helping new attorneys understand the law. And this is something I've tried to do, and I've encouraged others to do it.

So, yes, I think it's important for judges to be known to the attorneys and to the public; and so they should do what they can do to help society and to make sure that society and people in general, not just attorneys, really understand what it is that a judge does.

We often have jurors that don't really understand the difference between a civil case and a criminal case, for example; and this is something that a juror really should understand.

N. Potter What are some of the organizations you've been involved in that you've found most rewarding?

Z. Weinshienk I've enjoyed working with the bar associations, the Women's Bar. And I also think that the minority bar associations do a wonderful job in educating attorneys and the public.

Of course, I'm in favor of the Women's Bar and was one of the first people, first women to be involved with the creation of the Women's Bar Association. There was a time when I was in law school when just a small percentage of lawyers were women. And it was a concern of mine that more and more women should be involved in the law not only as judges but as attorneys and as court workers. And this is something that I have tried to help with, encouraging women to enter law school,

encouraging women to apply for judgeships, and to apply for positions which help with judicial appointments.

The Colorado Women's Bar Association is a very important organization, and I was involved with them in the very beginning.

N. Potter And still are.

Z. Weinshienk And I still am a member.

N. Potter What would you say is the hardest part of your job?

Z. Weinshienk The hardest part of my job -- and probably any judge -- is just cutting through the boring and the mundane and the routine to understand what is really important in a case that has to be decided.

N. Potter Can you describe your judicial philosophy?

Z. Weinshienk Hard question.

My judicial philosophy, I think, is to decide cases fairly and to be seen by others, the attorneys and the public, as deciding cases fairly.

We mentioned earlier what happens when the judge feels one way and law is a different way, and the judge has to follow the law even if it isn't in accord with the judge's own personal philosophy.

When a judge wears a robe, that robe goes on and the person wearing the robe ceases to become an individual and becomes a public figure, the judge, and has to decide cases in accord with the law, not just making decisions but making them understandable to people.

Has my judicial philosophy evolved? Probably, but I don't think it's really changed that much. My judicial philosophy is still to decide cases fairly and to decide them in a way which will help society and

help the litigants.

N. Potter What have been some of the highlights of your career?

That's another hard question.

Z. Weinshienk Well, I remember -- The law changes slightly depending on the administration, but I remember when the government was telling doctors that they could not discuss issues with their clients, with the patients, issues such as abortion issues. I think a doctor should be able to discuss anything with his or her patient, and I have made some decisions that have, I hope, encouraged that attitude.

N. Potter What have been some of the lowlights of your career, some of the times you wish you could have rewritten, if possible?

Z. Weinshienk Well, again we go back to what we were discussing before. I am forced to decide -- and I should be forced to decide -- cases in compliance with the law, even when I don't agree with the law. So in environmental cases sometimes I have made decisions which I didn't agree with because that was the law.

In criminal cases, the same thing. I remember a young woman who had a scholarship who was in high school and who had a baby by a drug dealer. And because she loved him and he was the father of her child, she went along with him and gave up her chance to a scholarship to a university.

So I think drug cases -- and I tend to agree with my colleague, Judge Kane, that drug cases are not handled the way they should be handled. And maybe that will be changed in the future, but people that are just

mules who deliver drugs for a husband or someone they care about should not be sentenced to prison forever; and sometimes they are, or have long sentences.

I remember one young man who was asked by a friend to just carry a package from Minnesota to Colorado. And he had a pretty good idea that there was -- that there were drugs in the package, but the friend said, "Don't worry about it; the most you can get is 90 days." And he didn't worry about it, and he ended up with a five-year sentence, and there went his college training.

So things like that happen and are very sad in the criminal area -- and I've been out of the criminal area for a little while -- because it is very difficult to sentence people to prison for things that are not that serious, it seems to me, for someone transporting a small amount of drugs for a friend. I think that might be changing, and I hope it will be changing.

In any case, there have been times when I've had to make decisions that have been disturbing to me; but on the whole, I agree that the judges should follow the law. I agree that people entering law school should study hard, think how they can help society, what they can do to help society. And it seems to me that the increase of women on the bench and in the bar is a good indication, because there should be women who are working to help society.

N. Potter

Do you think that being a female has been an advantage or a disadvantage in your career, or neither?

Z. Weinshienk Well, for me it was an advantage because at the time I became a judge, at first there were few women who were even attorneys. And I was sort of lucky to be in the right place at the right time. I was appointed to the county court bench when there were very few women attorneys. And then I went on to the state district court. And then thanks to Jimmy Carter, I was appointed to the federal court.

N. Potter So do you think being a female attorney in those days, you really stood out not only because of your qualifications and your skills, obviously, but something about being a woman you think got you noticed?

Z. Weinshienk Yes. The fact that I was a woman was a plus, the fact that I was a woman with a Harvard law degree was a plus. So that certainly did help me.

N. Potter Last question: What would -- what is your advice to a young woman who would be entering law school this fall?

Z. Weinshienk Well, at the risk of repeating what we've already talked about, I think someone should study hard, do well in law school, think about what they want to do to help society and to help individual people, and just go for it. So I'm very much in favor of women entering the law and applying for judgeships.

N. Potter Anything further you'd like to add before we conclude?

Z. Weinshienk I want to thank you, Nancy, for your hard work in putting together these questions to ask me. I appreciate your help.

N. Potter

Well, thank you. This has been very, very interesting and enjoyable for me.

We are all finished. It's May 12, 2010, and we have concluded our interview with the Honorable Zita L. Weinshienk.